

**CODE OF ORDINANCES**

**City of**

**TRENTON, FLORIDA**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2020-04, enacted January 11, 2021.**

See the Code Comparative Table for further information.

*Remove Old Pages*

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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.





**CODE OF ORDINANCES**  
**OF THE CITY OF**  
**TRENTON, FLORIDA**

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Published in 2020 by Order of the Board of Commissioners

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Adopted: January 11, 2021

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OFFICIALS

of the

CITY OF

TRENTON, FLORIDA

AT THE TIME OF THIS RECODIFICATION

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Wesley L. Deen, Mayor  
Cloud Haley, Vice-Mayor  
Marcia Hellams  
Craig Ruede  
Randall Rutter  
*Board of Commissioners*

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Lyle Wilkerson  
*City Manager/Clerk*

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David M. Lang, Jr.  
*City Attorney*

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## PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the City of Trenton, Florida.

Source materials used in the preparation of the Code were the 1959 Code, and ordinances subsequently adopted by the board of commissioners. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1959 Code and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

### *Chapter and Section Numbering System*

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

### *Page Numbering System*

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately

to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

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#### *Indexes*

The indexes have been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

#### *Looseleaf Supplements*

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

#### *Acknowledgments*

This publication was under the direct supervision of Roger D. Merriam, Senior Code Attorney, and Vanessa Alvarez, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.



The publisher is most grateful to Ms. Pat Watson, Administrative Assistant, and Mr. David M. Lang, Jr., City Attorney, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

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ORDINANCE NO. 2020-04

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF TRENTON, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TRENTON, FLORIDA:

Section 1. The Code entitled "Code of Ordinances of the City of Trenton, Florida," published by Municipal Code Corporation, consisting of chapters 1 through 38, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted before December 14, 2020, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment. Except as otherwise provided by law or ordinance (1) with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense; and (2) with respect to other violations, each act constitutes a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after December 14, 2020, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective immediately on second and final reading.

PASSED ON FIRST READING, this 14th day of December, 2020.

PASSED ON SECOND AND FINAL READING BY THE CITY COMMISSION WITH A QUORUM PRESENT AND VOTING ON THIS 11th day of January, 2021.

BOARD OF COMMISSIONERS OF THE CITY OF TRENTON, FLORIDA

By: \_\_\_\_\_

Wesley "Lee" Deen  
Mayor-Commissioner

ATTEST: \_\_\_\_\_

Lyle Wilkerson  
Clerk/City Manager

Published on: November 26, 2020

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## Checklist of Up-to-Date Pages

(This checklist will be updated with the  
printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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### SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

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**PART I**  
**CHARTER\***

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- Sec. 4. Existing rights and ordinances.
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**\*Editor's note**—Published in this part is the city Charter, being Laws of Fla. (1951) ch. 27940. Amendments are indicated by parenthetical history notes following amended sections. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. Catchlines have been editorially supplied. For stylistic purposes, a uniform system of headings has been used. Additions made for clarity are indicated by brackets.

**State law reference**—Municipal Home Rule Powers Act, F.S. ch. 166.





CHAPTER 27940—(No. 1461)

HOUSE BILL NO. 1237

AN ACT to Abolish the Present Municipal Government of the City of Trenton, Florida, and to Create and Organize a Municipality to be Known and Designated as the City of Trenton, Florida, and to Define Its Territorial Boundaries and to Provide for Its Government, Jurisdiction, Powers, Privileges, Franchise and Immunities and Confirm Its Title to All City Property, and to Prescribe the General and Special Powers to be Exercised by Said City.

*Be It Enacted by the Legislature of the State of Florida:*

**Sec. 1. Present government abolished.**

The present municipal government of the City of Trenton, Florida is hereby abolished.

**Sec. 2. City continued as body politic.**

The inhabitants of the City of Trenton, Florida, within the boundaries hereinafter designated, or within such boundaries as may hereafter be established, shall continue to be a body politic and corporate under the name "City of Trenton, Florida," and as such shall have perpetual succession, may have and use a common seal and change it at its pleasure, may contract and be contracted with, and may sue and be sued and be impleaded in all courts of this state and in all matters whatsoever.

**Sec. 3. Boundaries.**

[Text deleted.]

**Editor's note**—The provisions of Charter § 3 have been deleted as obsolete in light of subsequent annexations.

**Sec. 4. Existing rights and ordinances.**

A. The City of Trenton shall succeed to, own, possess and hold all property, real, personal or mixed, all uncollected taxes, dues, claims, judgments and choses in action heretofore owned, possessed or held by the municipality abolished, and shall have, exercise and enjoy all the rights, immunities, powers, benefits, privileges and franchises now possessed, owned or held by it.

B. All Ordinances and resolutions lawfully passed and in force in said city under its former organization shall remain in force until altered or repealed by the Board of Commissioners provided for under the provisions of this act; and all rights and property of every description which were vested in said city under its former organization shall vest in the city under the organization herein contemplated and no right, obligation or contract of the said city, including bonds heretofore issued, shall be affected, impaired or voided by this act, but all rights shall be preserved and all debts, contracts and obligations shall be obligations upon and enforceable against the new municipality.

**Sec. 5. General powers.**

[Text deleted.]

**Editor's note**—The provisions of Charter § 5 have been deleted as a limitation of power repealed by F.S. § 166.021.

**Sec. 6. Special meetings.**

[Text deleted.]

(Ord. No. 2000-1, § 1, 3-6-2000)

**Editor's note**—The provisions of Charter § 6 were converted into an ordinance by F.S. § 166.021 that has not been carried forward into the Code.

**Sec. 7. Board of commissioners generally.**

A mayor-commissioner and four commissioners shall constitute the board of commissioners of the city of Trenton, and shall be elected by the qualified electorate of such city in the manner hereinafter provided; provided, however, the mayor-commissioner and all city councilmen holding office at the time this Act becomes effective shall continue to hold office until their present respective terms shall expire, unless such office shall be vacated by death, resignation or removal. In the event of a vacancy, such vacancy shall be filled by appointment by the board of commissioners, until January 1, 1952. All other officers of the city shall be appointed by the city commission.

**Sec. 8. Term of elected officers.**

[Text deleted.] The term of all elective officers shall be for a term of two years from January first, following their election to such office.

[Text deleted.]

**Editor's note**—The first sentence of Charter § 8 assumed ordinance status pursuant to F.S. § 166.021 (see AGO 74-25) and is superseded by Ordinance No. 2006-31, § 5. The last sentence has been transferred to the Code. See F.S. § 166.031(6).

**Sec. 9. Compensation of board of commissioners.**

[Text transferred to Code.]

(Ord. No. 76-5, § 1, eff. 1-1-1977; Ord. No. 85-8, § 1, 10-14-1985; Ord. No. 97-4, § 1, 2-3-1997; Ord. No. 2004-14, § 1, 12-6-2004; Ord. No. 2017-06, § 1, 10-9-2017)

**Editor's note**—The provisions of Charter § 9 assumed ordinance status pursuant to F.S. § 166.021 and has been transferred to the Code.

**Sec. 10. Elections generally.**

(a) An election shall be held in the city of Trenton on the First Tuesday in December of each year for the election of commissioners whose terms shall expire the following January 1, or the mayor-commissioner whose term shall expire the following January 1, as the case may be. The commissioners, including the mayor-commissioner, elected at such election in December 1951, shall each serve for a term of two years beginning January 1, 1952, unless his office be vacated by death, resignation or removal.

All candidates offering themselves to the electors for election under the provisions of this charter to the office of mayor-commissioner shall so announce and the ballot shall be so arranged that separate and distinct votes shall be cast for mayor-commissioner in all elections of the city of Trenton where a mayor-commissioner is to be elected.

(b) The Board of Commissioners of the city of Trenton shall, by ordinance, prescribe the manner of holding both general and special elections not inconsistent with the provisions hereof, and shall provide registration books for the qualified electors of said city. The board of commissioners shall also, by ordinance, provide such polling place or places as they may deem expedient. The commissioners shall be a canvassing board for all elections held under this charter, and as such board, shall meet on the Wednesday following every general election, and on the day following any and every other election held under this charter for the purpose of canvassing and declaring the results of said elections and they, on said days of meeting, shall declare the results of said elections.

(c) [Text deleted.]

(d) The provisions of the general laws of the state of Florida pertaining to state and municipal elections relating to the qualification of electors, registrations, transfer of electors from one district to another, manner of voting, duties of election officers, canvassing of returns and all other particulars in respect to the management of elections, except as otherwise provided in this charter and the ordinances adopted hereunder pertaining to elections, shall, so far as the same may be applicable, govern all city elections.

**Editor's note**—The provisions of subsection (c) have been deleted as superseded by F.S. § 166.032.

#### **Sec. 11. Officers generally.**

(a) The mayor-commissioner of Trenton, Florida, shall preside at all meetings of the commission and perform such other duties consistent with his office as may be imposed by it, and he shall have a voice and a vote in the proceedings of the commission, but no veto power. He may use the title of mayor-commissioner in any case in which the execution of legal instruments of writing or other necessity arising from the general laws of the state so requires; but this shall not be considered as conferring upon him the administrative or judicial functions of a mayor-commissioner under the general laws of the state. He shall be recognized as the official head of the city by the courts for the purpose of serving civil processes, by the government in the exercise of military law and for all ceremonial purposes. He may take command of the police and govern the city by proclamation during times of grave public danger or emergency, and he shall himself be the judge of what constitutes such danger or emergency. The powers and duties of the mayor-commissioner shall be such as are conferred upon him by the city commission in pursuance of the provisions of this charter, and no other. In the absence of the mayor-commissioner, the other members of the city commission shall select one of their number to perform his duties.

(b) A vice-mayor-commissioner shall be appointed by the commissioners at their first regular meeting after January 1 of each year and his duties shall be to preside over the meetings of the commissioners in the absence of the mayor-commissioner, and in general, during the absence or inability of the mayor-commissioner to act, or during a vacancy in the office of mayor-commissioner. He shall do and perform those acts and things provided in this charter to be done by the mayor-commissioner.

(c) The city clerk shall be appointed by the board of commissioners of the city of Trenton, and he shall hold office at the pleasure of the board. [Text deleted.]

(d) A chief of police and such policemen as the city commission deems necessary shall be appointed by the board of commissioners of the city of Trenton, and they shall hold office at the pleasure of the board.

(e) [Text deleted.]

(f) [Text deleted.]

(g) The city commission shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city commission, and he shall hold office at the pleasure of the city commission. He shall be chosen solely on the basis of his executive and administrative qualifications, and he need not be a resident of the city or state at the time of his appointment. [Text deleted]He shall receive a salary to be fixed by the city commission. No person who has served on the city commission shall be eligible for appointment to the office of city manager until two (2) years after he has ceased to be a member of the commission. During the absence or disability of the city manager, the city commission may designate some properly qualified person to temporarily execute the function of the office. The city manager shall be responsible to the city commission for the proper administration of all affairs of the city, and to that end, his powers are:

1. To see that the laws and ordinances are enforced;
2. Except as hereinafter specifically provided, to appoint and remove all subordinate officers and employees of the city, all appointments to be made upon merit and fitness alone;
3. To exercise control and direct supervision over all departments and divisions of the municipal government under this charter, or which may be created by the city commission, including public utilities owned by the city;
4. To see that all benefits inuring to the inhabitants of the city in any public utility franchise are received;
5. To attend all meetings of the city commission and its committees;
6. To recommend to the commission for adoption such measures as he may deem necessary or expedient in the interests of the city;
7. To keep the city commission fully advised as to the financial condition and needs of the city and to submit for its consideration an annual budget;
8. To perform such other duties as may be prescribed under this charter or as may be required of him by ordinance or resolution of the city commission;
9. To act as purchasing agent for the city, by whom all purchases of supplies shall be made, and he shall approve all vouchers for the payment of same. In the capacity of purchasing agent, he shall also conduct all sales of personal property which the commission may authorize to be sold as having become unnecessary or unfit for the city's use. All purchases and sales shall conform to

such regulations as the city commission may from time to time prescribe; but in any case, if an amount in excess of five hundred dollars (\$500.00) be involved, opportunity for competition shall be given.

(Laws of Fla. ch. 65-2330, § 1)

**Editor's note**—The provisions of subsection (c) (first sentence excepted) have assumed ordinance status pursuant to F.S. § 166.021 and have been transferred to the Code, except that reference to the obsolete municipal court has been deleted. The provisions of subsection (d) (first sentence excepted) have assumed ordinance status and have been transferred to the Code. The provisions of subsections (e) and (f) relate to the municipal court and alternate municipal judge and have been deleted because the municipal court was abolished by Fla. Const. art. V, § 20(d)(4) and Ordinance No. 1972-12. In subsection (g), the third sentence has been transferred to the Code, as it has ordinance status under F.S. § 166.021.

**Sec. 12. Fire department; miscellaneous officers.**

A. The city commission shall appoint a fire chief and assistants, subject to the approval of the Volunteer Fire Department, so long as the fire department is manned by volunteers.

B. The city commission shall appoint a City Clerk, Tax Collector, Tax Assessor, City Attorney, Sanitary Officer and such other officers and employees necessary in its opinion to carry out the functions and duties of the city of Trenton imposed under this charter and the ordinances of the city, and also appoint such boards and commissions as may be deemed necessary and fix the duties and compensation to be paid such officers and employees. Nothing in this charter shall prevent one employee or officer from holding more than one office.

**Sec. 13. Wards.**

That the board of commissioners may, at their option, divide the city into such wards as they may deem expedient to be designated numerically, which division into wards the board shall at any time have the power to alter, change or abolish as they may deem best; provided, that in the event of such a division into wards, one commissioner shall be elected from each ward, and the mayor-commissioner to be elected shall be elected from the city at large. All commissioners shall be elected by vote of the electorate at large.

**Sec. 14. Ordinances.**

A.—E. [Text deleted.]

F. [Text transferred to Code.]

(Ord. No. 85-10, § 1, 11-11-1985; Ord. No. 2001-1, § 2, 3-6-2000)

**Editor's note**—The provisions of subsections A—E have been deleted as covered by the provisions of F.S. § 166.041. The provisions of subsection F have been transferred to the Code.

**Sec. 15. Taxation; annual budget.**

[Text deleted.]

**Editor's note**—The first two sentences have been deleted as superseded by F.S. § 166.211 and as limitations on power repealed by F.S. § 166.021. The remainder has been deleted as a limitation on power repealed by F.S. § 166.021 and inconsistent with F.S. § 200.065.

**Sec. 16. Assessor and tax collector.**

[Text deleted.]

**Editor's note**—The text of Charter § 16 has been deleted as superseded by F.S. § 166.211, which provision ties assessment and collection of ad valorem taxes to general law.

**Sec. 17. Tax certificates.**

**Editor's note**—The text of Charter § 17 has been deleted as superseded by F.S. § 166.211, which provision ties assessment and collection of ad valorem taxes to general law.

**Sec. 18. Tax liens or certificates.**

[Text deleted.]

**Editor's note**—The text of Charter § 18 has been deleted as superseded by F.S. § 166.211, which provision ties assessment and collection of ad valorem taxes to general law.

**Sec. 19. Prior tax levies and assessments ratified.**

[Text deleted.]

**Editor's note**—The text of Charter § 18 has been deleted as obsolete.

**Sec. 20. Tax foreclosure sales.**

[Text deleted.]

**Editor's note**—The text of Charter § 20 has been deleted as superseded by F.S. § 166.211, which provision ties assessment and collection of ad valorem taxes to general law.

**Sec. 21. Exemption from taxation.**

[Text deleted.]

**Editor's note**—The text of Charter § 21 has been deleted as superseded by F.S. § 166.211, which provision ties assessment and collection of ad valorem taxes to general law.

**Sec. 22. Board of equalization.**

[Text deleted.]

**Editor's note**—The text of Charter § 22 has been deleted as superseded by F.S. § 166.211, which provision ties assessment and collection of ad valorem taxes to general law.

**Sec. 23. Special assessments for sidewalks.**

[Text deleted.]

**Editor's note**—The text of Charter § 23 has been deleted as a limitation on power repealed by F.S. § 166.021. The city would conduct special assessments pursuant to F.S. ch. 170.

**Secs. 24—28. Special assessments for streets, sewers, etc.**

**Editor's note**—The text of Charter §§ 24—28 has been deleted as a limitation on power repealed by F.S. § 166.021. The city would conduct special assessments pursuant to F.S. ch. 170.

**Sec. 29. Borrowing money.**

[Text deleted.]

**Editor's note**—The text of Charter § 29 has been deleted as a limitation on power repealed by F.S. § 166.021. See also F.S. § 166.101 et seq.

**Sec. 30. Waterworks.**

[Text deleted.]

**Editor's note**—The text of Charter § 30 has been deleted as a limitation on power repealed by F.S. § 166.021.

**Sec. 31. Repealed.**

(Laws of Fla. ch. 65-2331, § 1)

**Sec. 32. Revenue bonds or certificates.**

[Text deleted.]

**Editor's note**—The text of Charter § 31 has been deleted as a limitation on power repealed by F.S. § 166.021.

**Sec. 33. Repealed.**

(Laws of Fla. Ch. 65-2331, § 1)

**Sec. 34. Miscellaneous provisions.**

(a) [Text deleted.]

(b) [Text deleted.]

(c) [Transferred to Code.]

(d) [Transferred to Code.]

(e) [Transferred to Code.]

(Ord. No. 98-11, §§ 1, 2, 7-6-1998; Ord. No. 2006-02, § 1, 2-6-2006; Ord. No. 2009-40, § 2, 5-2-2009; Ord. No. 2015-03, § 1, 9-22-2015; Ord. No. 2018-08, § 1, 1-14-2019; Ord. No. 2020-02, § 1, 12-14-2020)

**Editor's note**—The provisions of subsections (a) and (b) have been deleted as a limitation on power repealed by F.S. § 166.021. See also F.S. § 768.28. The provisions of subsections (c)—(e) have assumed ordinance status pursuant to F.S. § 166.021 and have been transferred to the Code. The language added by Ord. Nos. 98-11, 2006-02, 2015-03, 2018-08, and 2020-02 are also transferred to the Code.

**Sec. 35. Severability.**

All laws or parts of laws in conflict with the provisions of this Act are hereby repealed. In the event any section, portion or provision of this act shall be held to be unconstitutional or inoperative, it shall in no way affect the remaining valid portions thereof.

**Sec. 36. Effective Date.**

This Act shall become effective July 1, 1951.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 11, 1951.



## CHARTER COMPARATIVE TABLE

### LAWS OF FLORIDA

This table shows the location of Laws of Florida within the Charter. The Charter is derived from Laws of Fla. (1951) ch. 27940.

<b>Laws of Florida Chapter</b>	<b>Section</b>	<b>Section this Charter</b>
65-2330	1	11
65-2331	1	31
	—	33



## CHARTER COMPARATIVE TABLE

### LEGISLATION

This table shows the location of ordinances in the Charter.

<b>Legislation</b>	<b>Date</b>	<b>Section</b>	<b>Section this Charter</b>
Ord. No. 76-5	1-1-1977	1	9
Ord. No. 85-8	10-14-1985	1	9
Ord. No. 85-10	11-11-1985	1	14
Ord. No. 97-4	2-3-1997	1	9
Ord. No. 98-11	7-6-1998	1	34
—	—	2	34
Ord. No. 2000-1	3-6-2000	1	6
Ord. No. 2001-1	3-6-2000	2	14
Ord. No. 2004-14	12-6-2004	1	9
Ord. No. 2006-02	2-6-2006	1	34
Ord. No. 2009-40	5-2-2009	2	34
Ord. No. 2015-03	9-22-2015	1	34
Ord. No. 2017-06	10-9-2017	1	9
Ord. No. 2018-08	1-14-2019	1	34
Ord. No. 2020-02	12-14-2020	1	34



## **PART II**

### **CODE OF ORDINANCES**

#### Chapter 1

#### **GENERAL PROVISIONS**

- Sec. 1-1. How Code designated and cited.
- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Catchlines of sections; history notes; references.
- Sec. 1-4. Effect of repeal of ordinances.
- Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.
- Sec. 1-6. Supplementation of Code.
- Sec. 1-7. General penalty; continuing violations.
- Sec. 1-8. Severability of parts of Code.
- Sec. 1-9. Prior offenses, penalties, contracts or rights not affected by adoption of Code.
- Sec. 1-10. Provisions considered as continuation of existing ordinances.
- Sec. 1-11. Certain ordinances not affected by Code.



**Sec. 1-1. How Code designated and cited.**

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances of the City of Trenton, Florida," and may be so cited. Such Code may also be cited as the "Trenton Code."

(Code 1959, § 1-1)

**Sec. 1-2. Definitions and rules of construction.**

The following definitions and rules of construction shall apply to this Code and to all ordinances, unless the context requires otherwise:

*Generally.*

- (1) When provisions conflict, the specific shall prevail over the general and the more stringent provision shall always prevail.
- (2) All provisions shall be liberally construed so that the intent of the city commission can be effectuated.
- (3) Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.
- (4) Grammatical errors shall not vitiate, and a transposition of words and clauses may be resorted to when the sentence or clause is without meaning as it stands.

*Board of commissioners, city commission, board.* The term "board of commissioners" "city commission," or "board" means the board of the commissioners of the city.

*Charter.* The term "Charter" means the Charter of the City of Trenton, Florida, as amended.

*City.* The term "city" means the City of Trenton, Florida.

*Code.* The term "Code" means the Code of Ordinances of the City of Trenton, Florida, as designated in section 1-1.

*Computation of time.* In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

*Conjunctions.* In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either ... or," the conjunction shall be interpreted as follows, except that the term "or" may be read "and," and the term "and" may be read "or," if the sense requires it:

- (1) "And" indicates that all the connected terms, conditions, provisions or events apply.

- (2) "Or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
- (3) "Either ... or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

*County.* The term "county" means Gilchrist County, Florida.

*F.A.C.* The abbreviation "F.A.C." refers to the Florida Administrative Code, as amended.

*F.S. or state acts.* The abbreviation "F.S." refers to the latest edition of the Florida Statutes, as amended. Reference to a state act by title is a reference to such act as amended.

*Gender.* Words of one gender include words of all other genders.

*Joint authority.* All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

*Keeper and proprietor.* The terms "keeper" and "proprietor" include persons, acting by themselves or through a servant, agent, or employee.

*May.* The term "may" is to be construed as being permissive.

*May not.* The term "may not" has a prohibitory effect and states a prohibition.

*Month.* The term "month" means a calendar month.

*Must.* The term "must" is to be construed as being mandatory.

*Number.* The singular includes the plural and the plural includes the singular.

*Oath.* The term "oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath. In such cases, the terms "swear" and "sworn" are equivalent to the terms "affirm" and "affirmed."

*Officers, departments, or agencies.* References to officers, employees, departments or agencies are to city officers, city departments, city employees or city agencies.

*Owner.* The term "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

*Person.* The term "person" means any human being, any governmental or political subdivision or public agency, any public or private corporation, any partnership, any firm, association or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing or any other legal entity.

*Personal property.* The term "personal property" includes every species of property except real property, as herein defined.

*Property.* The term "property" includes real and personal property.

*Public place.* The term "public place" means any street, park, cemetery, schoolyard, or open space adjacent thereto, beach or canal or other waterway.



*Real property.* The term "real property" includes lands, tenements and hereditaments.

*Shall.* The term "shall" is to be construed as being mandatory and not permissive.

*Should.* The term "should" is to be construed as being permissive and not mandatory.

*Sidewalk.* The term "sidewalk" means any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians, excluding parkways.

*Signature or subscription.* The term "signature" or "subscription" includes a mark when the signer or subscriber cannot write.

*State.* The term "state" means the State of Florida.

*Street.* The term "street" includes any street, avenue, boulevard, road, alley, lane, viaduct and any other public highway in the city.

*Tenant, occupant.* The term "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease of or who occupies the whole or a part of such building or land, either alone or with others.

*Tense.* Words used in the past or present tense include the future as well as the past and present.

*Week.* The term "week" shall be construed to mean seven days.

*Will.* The term "will" is to be construed as being mandatory and not permissive.

*Written or in writing.* The term "written" or "in writing" includes any representation of words, letters or figures, whether by printing or otherwise.

*Year.* The term "year" means a calendar year.  
(Code 1959, § 1-2)

**Sec. 1-3. Catchlines of sections; history notes; references.**

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section, and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

(b) The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

(c) References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling nor meant to have any legal effect.

(Code 1959, § 1-3)

**Sec. 1-4. Effect of repeal of ordinances.**

(a) The repeal of an ordinance shall not revive any repealed ordinance.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

(Code 1959, § 1-4)

**Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.**

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect the same may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are re-adopted as a new Code of Ordinances by the city commission.

(b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section \_\_\_\_\_ of the Code of Ordinances of the City of Trenton, Florida, is hereby amended to read as follows: . . . ." The new provisions should then be set out in full as desired.

(c) In the event a new section not heretofore existing in the Code is to be added, the following language is suggested: "That the Code of Ordinances of the City of Trenton, Florida, is hereby amended by adding a section to be numbered \_\_\_\_\_, which said section reads as follows: . . . ." The new section should then be set out in full as desired.

(d) All sections, articles, chapters or provisions desired to be repealed should be specifically repealed by section, article or chapter number, as the case may be.

(Code 1959, § 1-6)

**Sec. 1-6. Supplementation of Code.**

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city commission. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the city commission during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;

- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or the words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be or to "sections \_\_\_\_\_ to \_\_\_\_\_" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

**Sec. 1-7. General penalty; continuing violations.**

- (a) In this section, the term "violation of this Code" means any of the following:
  - (1) Doing an act that is prohibited or made or declared unlawful, an offense a violation, or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
  - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
  - (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
- (b) In this section, the term "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.
- (c) Except as otherwise provided by law or ordinance, any person convicted of a violation of this Code shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment.
- (d) Except as otherwise provided by law or ordinance:
  - (1) With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.
  - (2) With respect to other violations, each act constitutes a separate offense.
- (e) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise, or other administrative sanctions.

(f) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.

(Code 1959, § 1-8)

**State law reference**—Penalty for ordinance violations, F.S. § 162.22.

**Sec. 1-8. Severability of parts of Code.**

It is hereby declared to be the intention of the board of commissioners that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Code 1959, § 1-5)

**Sec. 1-9. Prior offenses, penalties, contracts or rights not affected by adoption of Code.**

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

(b) The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance or resolution in effect on the date of adoption of this Code.

**Sec. 1-10. Provisions considered as continuation of existing ordinances.**

The provisions appearing in this Code, so far as they are substantially the same as ordinances existing at the time of the effective date of this Code, shall be considered continuations thereof and not as new enactments.

**Sec. 1-11. Certain ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following and all such provisions are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein:

- (1) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- (2) Any appropriation ordinance or ordinance providing for the levy of taxes or adopting or amending an annual budget;
- (3) Any ordinance annexing territory to the city or excluding territory as a part of the city, or otherwise affecting the corporate limits;
- (4) Any ordinance granting any franchise, permit or other right;
- (5) Any ordinance approving, authorizing, or otherwise relating to any contract, agreement, lease, deed or other instrument;

- (6) Any ordinance accepting, dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating or repairing any specific street or public way;
- (7) Any ordinance consistent with this Code prescribing traffic or parking regulations for specific locations, or on specific streets or parts of streets;
- (8) Any ordinance prescribing the street grades of any street in the city;
- (9) Any ordinance providing for local improvements or relating to special assessments therefor or assessing taxes therefor;
- (10) Any ordinance accepting or approving any plat or subdivision in the city;
- (11) Any ordinance zoning or rezoning specific property;
- (12) Any ordinance providing for the compensation of officers and employees not codified in this Code;
- (13) Any provision published in the Charter that became an ordinance under F.S. § 166.021;
- (14) Any temporary or special ordinance;
- (15) Any ordinance adopted for purposes that have been consummated;
- (16) The land development regulations, being Ordinance No. 93-1, as amended.



## Chapter 2

### ADMINISTRATION\*

#### Article I. In General

- Sec. 2-1. Custody of public records.
- Sec. 2-2. Additional court costs for criminal justice degree programs and court costs.
- Sec. 2-3. Annexation fees.
- Secs. 2-4—2-24. Reserved.

#### Article II. Board of Commissioners

- Sec. 2-25. Vacancies.
- Sec. 2-26. Compensation.
- Sec. 2-27. Enacting clause for ordinances.
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- Sec. 2-125. Supervisor training.
- Sec. 2-126. Prior notice of testing policy.

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\*State law reference—Municipal Home Rule Powers Act, F.S. ch. 166.

## TRENTON CODE

- Sec. 2-127. Consent.
- Sec. 2-128. Refusal to consent—Applicants.
- Sec. 2-129. Refusal to consent—Employees.
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- Sec. 2-133. The right to a hearing.
- Sec. 2-134. Mandatory employee assistance program referral.
- Sec. 2-135. Confidentiality of test results.
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### **Article IV. Finance**

- Sec. 2-158. Purchases generally.
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- Secs. 2-160—2-184. Reserved.

### **Article V. Code Enforcement; Special Magistrate**

- Sec. 2-185. Special magistrate established; jurisdiction.



**ARTICLE I. IN GENERAL****Sec. 2-1. Custody of public records.**

The custody of the public records of the city shall be in the keeping of the city clerk and he shall be responsible for their safety.

(Laws of Fla. (1951) ch. 27940, § 34(d))

**Sec. 2-2. Additional court costs for criminal justice degree programs and court costs.**

(a) Pursuant to F.S. § 938.15, there is hereby imposed an additional court cost of \$2.00 which shall be assessed against every person convicted for a violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance committed within the city.

(b) The funds collected pursuant to subsection (a) of this section shall be applied exclusively for criminal justice education degree programs and training courses, including basic recruit training.

(c) All expenditures must be approved by the board of commissioners and the criminal justice standards and training commission of the state department of law enforcement, prior to being incurred. (Ord. No. 89-2, §§ 1—3, 8-14-1989)

**Sec. 2-3. Annexation fees.**

There shall be no charge for a petition for an annexation of property into the city, and actual cost of advertising incident thereto shall be borne by the city.

(Ord. No. 2003-05, § 1, 8-4-2003)

**State law reference**—Municipal Annexation or Contraction Act, F.S. ch. 171.

**Secs. 2-4—2-24. Reserved.****ARTICLE II. BOARD OF COMMISSIONERS****Sec. 2-25. Vacancies.**

If a vacancy shall occur in the office of the city commission or mayor-commissioner and the unexpired term of such vacancy shall be for a period of less than six months, said vacancy shall be filled by the majority of the remaining members of the city commission, but, in the event that the unexpired term of the vacated office is for more than six months, the city commission shall call an election within 30 days from the date such vacancy occurs to fill the office for the unexpired term.

(Laws of Fla. (1951) ch. 27940, § 8)

**State law reference**—Filling of vacancies, F.S. § 166.031(6).

**Sec. 2-26. Compensation.**

The mayor-commissioner of the city, following final passage of the ordinance from which this article is derived as set forth herein, shall receive as compensation the sum of \$750.00 each month, and each of

the other members of the board of commissioners shall receive compensation in the sum of \$625.00 each month, and all members shall each receive reimbursement for actual expenses incurred while away from the city on authorized city business.

(Laws of Fla. (1951) ch. 27940, § 9; Ord. No. 76-5, § 1, 1-1-1977; Ord. No. 85-8, § 1, 10-14-1985; Ord. No. 97-4, § 1, 2-3-1997; Ord. No. 2004-14, § 1, 12-6-2004; Ord. No. 2017-06, § 1, 10-9-2017)

**Sec. 2-27. Enacting clause for ordinances.**

The ordaining clause of every ordinance shall be as follows: "Be it ordained by the board of commissioners of the city:".

(Laws of Fla. (1951) ch. 27940, § 14(F); Ord. No. 85-10, § 1, 11-11-1985; Ord. No. 2000-1, § 2, 3-6-2000)

**Secs. 2-28—2-57. Reserved.**

### ARTICLE III. OFFICERS AND EMPLOYEES

#### DIVISION 1. GENERALLY

**Sec. 2-58. Oath of officers.**

All officers of the city, before entering upon the duties of their offices, shall take and subscribe to an oath to faithfully perform the duties of their offices and to faithfully support the constitution and laws of the state and of the United States of America.

(Laws of Fla. (1951) ch. 27940, § 34(c))

**Sec. 2-59. Residency requirements for city manager.**

The city manager shall reside within 30 miles of the city limits.

(Laws of Fla. (1951) ch. 27940, § 11(g); Ord. No. 2001-04, § 1(2), 9-10-2001; Ord. No. 2010-01, § 1, 5-17-2010)

**Sec. 2-60. City clerk.**

The city clerk shall act as clerk of the board of commissioners. He shall give such bond as the board of commissioners shall fix, and shall perform all the duties imposed upon the clerk by the board of commissioners not inconsistent with the provisions of the Charter, and shall receive such salary and fees therefor as may be provided by ordinance of the city.

(Laws of Fla. (1951) ch. 27940, § 11(c))

**Sec. 2-61. Chief of police and police officers.**

It shall be the duty of the chief of police, with advice and instruction of the board of commissioners, to preserve order, to prevent violation of the terms and provisions of the city ordinances, and to perform

such other duties as may be prescribed by orders of the board of commissioners, not inconsistent with the Charter. The salary or fee of the chief of police and all police officers shall be set by ordinance by the board of commissioners.

(Laws of Fla. (1951) ch. 27940, § 11(d))

**Secs. 2-62—2-80. Reserved.**

#### DIVISION 2. SOCIAL SECURITY\*

**Sec. 2-81. Extended to city employees.**

It is hereby declared to be the policy and purpose of the city to extend, effective as of January 1, 1952, to the employees and officials thereof not excluded by law, and whether employed in connection with a governmental or proprietary function, the benefits of the system of Old Age and Survivor's Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734 of the 81st Congress, and by F.S. ch. 650; and to cover by such plan all services which constitute employment as defined in F.S. § 650.02, performed in the employ of the city by employees thereof. In pursuance of such policy, and for that purpose, the city shall take such action as may be required by applicable state or federal laws or regulations.

(Code 1959, § 18A-1; Ord. No. 69, § 1, 1-3-1958)

**Sec. 2-82. Authority to make necessary agreements with state.**

The mayor-commissioner, or other chief executive officer of the city is hereby authorized and directed to execute all necessary agreements and amendments thereto with the state for the purpose of extending the benefits provided by the system of Old Age and Survivor's Insurance to the employees and officials of this city as provided in section 2-81, which agreement shall provide for such methods of administration of the plan by the city as are found by the state agency to be necessary for the proper and efficient administration thereof, and shall be effective with respect to services in employment covered by such agreement performed after January 1, 1952.

(Code 1959, § 18A-2; Ord. No. 69, § 2, 1-3-1958)

**Sec. 2-83. Withholdings from salaries, wages, etc.**

Withholdings from salaries, wages or other compensation of employees and officials for the purpose provided in section 2-81 hereof are hereby authorized to be made, and shall be made, in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state agency designated by such laws or regulations to receive such amounts.

(Code 1959, § 18A-3; Ord. No. 69, § 2, 1-3-1958)

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\***State law references**—Social Security for public officers and employees, F.S. ch. 650; plans for coverage of employees of political subdivisions, F.S. § 650.05.

**Sec. 2-84. Use of city funds authorized.**

There shall be appropriated from available funds, derived from annual ad valorem taxes, such amounts, at such times, as may be required to pay promptly the contributions required of the city as employer by applicable state or federal laws or regulations, which shall be paid over to the lawfully designated state agency at the times and in the manner provided by law and regulations.

(Code 1959, § 18A-4; Ord. No. 69, § 4, 1-3-1958)

**Sec. 2-85. Records and reports of city.**

The city shall keep such records and make such reports as may be required by applicable state or federal laws or regulations and shall adhere to the rules and regulations of the state agency for the enforcement of such laws and regulations.

(Code 1959, § 18A-5; Ord. No. 69, § 5, 1-3-1958)

**Sec. 2-86. Employees otherwise covered exempt.**

There is hereby excluded from this article any authority to make any agreement with respect to any position or any employee or official now covered, or authorized to be covered, by any other ordinance or law creating any retirement system for any employee or official of the city.

(Code 1959, § 18A-6; Ord. No. 69, § 6, 1-3-1958)

**Sec. 2-87. Social Security Act adopted.**

The city does hereby adopt the terms, conditions, requirements, reservations, benefits, privileges and other conditions thereunto appertaining of title II of the Social Security Act as amended by Public Law No. 734, the 81st Congress, for and on behalf of all the officers and employees thereof and of its departments and agencies, save and except any of such officers and employees now covered or authorized to be covered by any retirement system provided by law, and further excepting any official or employee who occupies any position, office or employment not authorized to be covered by applicable state or federal laws or regulations.

(Code 1959, § 18A-7; Ord. No. 69, § 7, 1-3-1958)

**Sec. 2-88. Custodian of funds, withholding and reporting agent designated.**

The city clerk is hereby designated the custodian of all sums withheld from the compensation of officers and employees and of the appropriated funds for the contribution of the city, and the city clerk is hereby made the withholding and reporting agent and charged with the duty of maintaining personnel records for the purpose of this article.

(Code 1959, § 18A-8; Ord. No. 69, § 8, 1-3-1958)

**Secs. 2-89—2-119. Reserved.**

## DIVISION 3. DRUG TESTING

**Sec. 2-120. Required.**

The city, acting through its board of commissioners, hereby implements a drug-free workplace policy and directs that its employees shall adhere to and be governed by that policy and this division. At least 60 days shall elapse between a general one-time notice to all employees that a drug testing program is being implemented and the beginning of any actual drug testing.

(Ord. No. 96-20, § 1, 7-1-1996)

**Sec. 2-121. Information to be given to city employees and city job applicants.**

Prior to testing, all employees and job applicants for employment shall be given a written policy statement and a copy of this division which contains a general statement of the city's policy on employee drug use, and identifying the types of testing an employee or job applicant may be required to submit to, including reasonable suspicion or other basis.

(Ord. No. 96-20, § 2, 7-1-1996)

**Sec. 2-122. Drugs to be tested for.**

(a) When drug and alcohol screening is required under the provisions of this policy, a urinalysis test will be given to detect the presence of the following drug groups:

- (1) Alcohol (ethyl);
- (2) Amphetamines (e.g., speed);
- (3) Barbiturates (e.g., Amobarbital, Butobarbital, Phenobarbital, Secobarbital);
- (4) Cocaine;
- (5) Methaqualone (e.g., Quaalude);
- (6) Opiates (e.g., Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone);
- (7) Phencyclidine (PCP);
- (8) THC (Marijuana).

(b) The city and testing laboratory shall establish the concentration level of a specific drug which will trigger a positive result and said standard shall reflect recent drug use.

(Ord. No. 96-20, § 3, 7-1-1996)

**Sec. 2-123. Job applicant testing; general standard.**

(a) Applicants, including volunteer or auxiliary employees, for the following classes will be required to undergo a drug and alcohol test upon an offer of employment and prior to their final appointment.

(b) Any safety-sensitive position such as police, fire, paramedic or heavy equipment operator.

(Ord. No. 96-20, § 4, 7-1-1996)

**Sec. 2-124. Current employee testing; general standard.**

(a) The city may require a current city employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. The term "reasonable suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

- (1) A pattern of abnormal or erratic behavior;
- (2) Information provided by a reliable and credible source;
- (3) A work-related accident;
- (4) Direct observation of drug or alcohol use; or
- (5) Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).

(b) Supervisors are required to detail in writing the specific facts, symptoms or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate department head or designee.

(Ord. No. 96-20, § 5, 7-1-1996)

**Sec. 2-125. Supervisor training.**

The city shall develop a program of training to assist supervisory personnel in identifying drug and alcohol use among employees. Such training will be directed towards helping supervisors recognize the conduct and behavior that gives rise to a reasonable suspicion of drug or alcohol use. Such training program may be conducted by state sponsored or sanctioned training programs, the attendance of which may constitute the training necessary for supervisory personnel to comply with this section.

(Ord. No. 96-20, § 6, 7-1-1996)

**Sec. 2-126. Prior notice of testing policy.**

The city shall provide written notice of its drug and alcohol testing policy to all employees and job applicants. The notice shall contain the following information:

- (1) The need for drug and alcohol testing;
- (2) The circumstances under which testing may be required;
- (3) The procedure for confirming an initial positive drug test result;
- (4) The consequences of a confirmed positive test result;
- (5) The consequences of refusing to undergo a drug and alcohol test;
- (6) The right to explain a positive test result and the appeal procedures available; and
- (7) The availability of drug abuse counseling and referral services.

(Ord. No. 96-20, § 7, 7-1-1996)

**Sec. 2-127. Consent.**

Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those city officials with a need to know. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the city's drug testing policy and to indicate current or recent use of prescription or over-the-counter medication. The consent form shall also set forth the following information:

- (1) The procedure for confirming an initial positive test result;
- (2) The consequences of a confirmed positive test result;
- (3) The right to explain a confirmed positive test result and the appeal procedures available; and
- (4) The consequences of refusing to undergo a drug and alcohol test.

(Ord. No. 96-20, § 8, 7-1-1996)

**Sec. 2-128. Refusal to consent—Applicants.**

A job applicant who refuses to consent to a drug and alcohol test will be denied employment with the city.

(Ord. No. 96-20, § 9, 7-1-1996)

**Sec. 2-129. Refusal to consent—Employees.**

(a) If an employee or job applicant refuses to submit to a drug and alcohol test based upon reasonable suspicion, the employer shall not be barred from discharging or disciplining the employee, or from refusing to hire the job applicant. However, nothing in this subsection shall abrogate the rights and remedies of the employee or job applicant as otherwise provided in this section. The reason for the refusal shall be considered in determining the appropriate disciplinary action.

(b) An employer who refuses to hire a job applicant based on a positive confirmed drug test result shall not be required to hold the employment position vacant while the job applicant pursues administrative action. However, should the job applicant prevail in the actions, the employer shall provide him the opportunity of employment in the next available comparable position.

(Ord. No. 96-20, § 10, 7-1-1996)

**Sec. 2-130. Confirmation of test results.**

(a) If an initial drug test is negative for an employee or job applicant, the employer in its sole discretion and at the employer's expense, may seek a confirmation test.

(b) All positive initial test results shall be confirmed using gas chromatography/mass spectrometry (GC/MS) or an equivalent or more accurate scientifically accepted method approved by the agency for health care administration as such technology becomes available in a cost-effective form. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for use in the first test.

(c) If the second test confirms the positive test results, the employee or applicant shall be notified of the results in writing by the appropriate department head or designee. The letter of notification shall identify the particular substance found and its concentration level.

(d) An employee or applicant whose second test confirms the original positive test result may, at the employee's or applicant's own expense, have a third test conducted on the same sample at another laboratory selected by the city. Only laboratories meeting the requirements as follows shall conduct confirmation drug tests:

- (1) Only laboratories licensed and approved by the agency for health care administration using criteria established by the National Institute on Drug Abuse as a guideline for modeling the drug testing program;
  - (2) The laboratory has written procedures to ensure chain of custody;
  - (3) The laboratory followed proper quality control procedures, including, but not limited to:
    - a. The use of internal quality control including use of samples of known concentrations which are used to check the performance and calibration of testing equipment, and periodic use of blind samples for overall accuracy.
    - b. An internal review and certification process for drug test results, conducted by a person qualified to perform that function in the testing laboratory.
    - c. Security measures implemented by the testing laboratory to preclude adulteration of specimens and drug test results.
    - d. Other necessary and proper actions taken to ensure reliable and accurate drug test results.
- (Ord. No. 96-20, § 11, 7-1-1996)

**Sec. 2-131. Consequences of a confirmed positive test result.**

(a) Applicants. Job applicants will be denied employment with the city if their initial positive test results have been confirmed. Applicants shall be informed in writing if they are rejected on the basis of a confirmed positive drug test result. In the event that an applicant receives a positive confirmed drug test result he may contest or explain his result to the employer within five working days after written notification of the positive test result explaining why the results do not constitute a violation of the employer's policy. If the job applicant's explanation or challenge is unsatisfactory to the employer, the person will be denied employment.

(b) Employees. If an employee receives a positive confirmed drug test result, they may contest or explain the result to the employer within five working days after written notification of the positive test result. If an employee's explanation or challenge is unsatisfactory to the employer, the person may contest the drug test result as provided herein.

(c) If an employee's positive test result has been confirmed and the employee's explanation or challenge is unsatisfactory to the city, the employee is subject to disciplinary action up to and including termination.



(d) Factors to be considered in determining the appropriate disciplinary response include the employee's work history, length of employment, current job performance and the existence of past disciplinary actions. No disciplinary action may be taken by the city against an employee solely upon the employee voluntarily seeking treatment while under the employ of the employer for a drug-related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug-related problems, or entered an alcohol and drug rehabilitation program, or so long as the employee obtains counseling and rehabilitation, and thereafter refrains from violating the city's policy on drug and alcohol abuse.

(e) If an employee or job applicant undertakes an administrative or legal challenge to a confirmed positive test result, the employee or job applicant shall notify the testing laboratory and the testing sample shall be retained by the laboratory until the case or administrative appeal is settled.

(Ord. No. 96-20, § 12, 7-1-1996)

**Sec. 2-132. Cost of testing.**

(a) An employer shall pay the cost of all drug tests, initial and confirmation, which the employer requires of employees.

(b) An employee or job applicant shall pay the cost of any additional drug test not required by the employer, such as a third drug test on the same sample conducted at the employee's discretion as provided herein.

(Ord. No. 96-20, § 13, 7-1-1996)

**Sec. 2-133. The right to a hearing.**

(a) If an employee's positive test result has been confirmed, the employee is entitled to a hearing before a duly authorized hearing officer as authorized by Florida Statutes before any disciplinary action may be taken by the city. The employee must make a written request for a hearing to the appropriate department head or designee within ten days of receipt by the employee of the confirmation test results. Employees may be represented by legal counsel, present evidence and witnesses on their behalf and confront and cross examine the evidence and witnesses used against them. Failure to request a hearing by the employee shall be deemed a waiver of this right and no hearing shall thereafter be maintained.

(b) No adverse personnel action may be taken against an employee based on a confirmed positive drug test result unless the hearing officer finds by a preponderance of the evidence that:

- (1) The employee's supervisor had reasonable suspicion to believe that the employee was under the influence of drugs or alcohol while on the job; and
- (2) The employee's drug test results are accurate.

(c) Within a reasonable period of time following the close of the hearing, the hearing officer shall issue a written decision and brief summary of the facts and evidence supporting his decision as provided by law, copies of which shall be provided to both the city and the employee.

(Ord. No. 96-20, § 14, 7-1-1996)

**Sec. 2-134. Mandatory employee assistance program referral.**

Upon the first confirmed determination that an employee is under the influence of drugs or alcohol, the city shall refer the employee to an employee assistance program (EAP) for assessment, counseling and rehabilitation. Participation in an EAP is voluntary and no disciplinary action may be taken against an employee for failure to begin or complete an EAP program. Disciplinary action based on a violation of the city's drug and alcohol policy is not automatically suspended by an employee's participation in an EAP and may be imposed when warranted. However, consideration may be given to an employee's attendance and successful completion of an alcohol and drug rehabilitation program by the employee. The names, addresses and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs located within Gilchrist or Alachua counties shall be provided to the employee by the city when such information is available to the city.

(Ord. No. 96-20, § 15, 7-1-1996)

**Sec. 2-135. Confidentiality of test results.**

(a) All information from an employee's or applicant's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency or organization is prohibited unless written authorization is obtained from the employee or applicant. The results of a positive drug test shall not be released until the results are confirmed and then shall be released only to the person tested or as otherwise provided herein. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory.

(b) Employers, laboratories, employee assistance programs, drug and alcohol rehabilitation programs and their agents may not release any information concerning drug test results obtained pursuant to this section without a written consent form signed voluntarily by the person tested, except where such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under this section, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding, or as otherwise provided by law.

(Ord. No. 96-20, § 16, 7-1-1996)

**Sec. 2-136. Privacy in drug testing.**

(a) Urine samples shall be provided in a private restroom stall or similar enclosure so that employees and applicants may not be viewed while providing the sample. Employees and applicants will be given hospital gowns to wear while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses and other containers may not be carried into the test area. The water in the commode shall be colored with blue dye to protect against dilution of test samples.

(b) Specimen collection, storage and transportation to the testing site shall be performed in a manner which will reasonably preclude specimen contamination or adulteration. Each initial and confirmation test conducted shall be conducted by a licensed laboratory as described herein. A specimen for a drug test may be taken and collected by any of the following persons: a physician, a physician assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner or a certified paramedic who

is present at the scene of an accident for the purpose of rendering emergency medical services or treatment. Also, a specimen for a drug test may be taken and collected by a qualified person employed by a licensed laboratory.

(Ord. No. 96-20, § 17, 7-1-1996)

**Sec. 2-137. Laboratory testing requirements.**

(a) All drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the city. To be considered as a testing site, a medical facility or lab must, submit in writing, a description of the procedures that will be used to maintain test samples. Factors to be considered by the city in selecting a testing facility include:

- (1) Testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering;
- (2) Written procedures to ensure chain of custody of samples collected, including procedures for proper identification, labeling and handling of test samples;
- (3) Methods of analysis including the use of internal quality controls, including the use of samples of known concentrations which are used to check the performance and calibration of testing equipment, and periodic use of blind samples for overall accuracy;
- (4) Retention and storage procedures which ensure reliable results on confirmatory tests of original samples;
- (5) An internal review and certification process for drug test results conducted by a person qualified to perform that function in the testing laboratory;
- (6) Security measures implemented by the testing laboratory to preclude adulteration of specimens and drug test results; and
- (7) Other necessary and proper actions taken to ensure reliable and accurate drug test results.

(b) Laboratories shall provide technical assistance to the employer, employee or job applicant for the purpose of interpreting any positive confirmed test results which could have been caused by prescription or non-prescription medication taken by the employee or job applicant.

(Ord. No. 96-20, § 18, 7-1-1996)

**Secs. 2-138—2-157. Reserved.**

**ARTICLE IV. FINANCE\***

**Sec. 2-158. Purchases generally.**

(a) The board of commissioners shall have exclusive power to make all public improvements and expenditures authorized by ordinance, but all work or services contracted for, calling for the expenditure of \$10,000.00 or more, shall be let to the lowest and best bidder. The board of commissioners shall have the power to reject any and all bids, and to re-advertise or to perform the work advertised for through the

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\*State law reference—Municipal finance and taxation, F.S. § 166.201 et seq.

appropriate department of the city, provided the cost of the services or work performed shall not exceed the price named by the lowest and best bidder, if bids have been received. If no bids have been received, the board of commissioners is authorized to perform the necessary work in making and completing said public improvements on the best terms possible, and at the lowest cost to the appropriate department of the city.

(b) The city manager is specifically authorized to make all necessary and proper purchases on behalf of the city up to \$10,000.00 in value without first obtaining the permission of the board of commissioners. Any purchases by the city manager over \$10,000.00 shall require the approval of the board of commissioners, acting in a duly authorized meeting, prior to such expenditure by the city manager. (Laws of Fla. (1951) ch. 27940, § 34(e); Ord. No. 98-11, §§ 1, 2; Ord. No. 2006-02, § 1, 2-6-2006; Ord. No. 2015-03, § 1, 9-22-2015; Ord. No. 2018-08, § 1, 12-11-2018; Ord. No. 2020-02, § 1, 12-14-2020)

**Sec. 2-159. Alternative purchasing procedure.**

(a) As an alternative bid procurement procedure and in addition to existing bid procurement procedures of the city presently in effect, and subject to the below requirements, the board of commissioners of the city hereby authorizes at its option and sole discretion the authority of the board to utilize and incorporate as its own, any other state municipality's, county's, school district's, or other state agency's lowest and best bid received for similar products and services desired to be presently procured by the city, where such bid was made and received through a formal bid process by the other state agency.

(b) Any such bid for similar products, services, public improvements, expenditures, work and services desired to be presently procured by the city and upon which the city intends to rely without proceeding through its own formal bid process must have been accepted by any other state agency through its own formal bid process not more than 12 months previous to the date of acceptance and reliance upon the same by the city.

(c) Where any state agency bid is to be relied upon, the city shall, before such acceptance or reliance on the same, obtain a copy for its records of the official invitation to bid transmitted or published by the other agency, as well as the formal acceptance documentation accepting and awarding the bid by the other agency.

(d) In every instance where a bid by another state agency is to be considered, the city manager shall bring all relevant information concerning the same to the board as a part of the regular public meeting agenda, and a majority vote of those commissioners present at such meeting shall be required for approval of the same.

(e) Following such approval, the city manager shall receive written confirmation from the party to be contracted with stating that it will honor the bid price and terms as initially made to the other state agency upon which the city intends to rely and utilize, as well as providing the city with an acceptable timeframe for full performance or delivery of the same.

(Laws of Fla. (1951) ch. 27940, § 34(e); Ord. No. 2006-02, § 1, 2-6-2006; Ord. No. 2009-40, § 2, 5-4-2009; Ord. No. 2015-03, § 1, 9-22-2015)

**Secs. 2-160—2-184. Reserved.**

**ARTICLE V. CODE ENFORCEMENT; SPECIAL MAGISTRATE\*****Sec. 2-185. Special magistrate established; jurisdiction.**

(a) There shall be a special magistrate who shall have jurisdiction to hear and decide cases in which violations are alleged of any provisions of the following chapters of the codes and ordinances, as they may exist or may hereafter be amended or created:

- (1) All zoning codes and ordinances.
- (2) All land use codes and ordinances.
- (3) All building codes and ordinances.
- (4) All electrical codes and ordinances.
- (5) All plumbing codes and ordinances.
- (6) All gas codes and ordinances.
- (7) All health and sanitation codes and ordinances.
- (8) All animal control codes and ordinances.
- (9) All housing codes and ordinances.
- (10) All fire codes and ordinances.
- (11) All city business license codes and ordinances.
- (12) All street, sidewalk and grounds codes and ordinances.
- (13) All codes and ordinances concerning abandoned, inoperative or wrecked vehicles.
- (14) Any other ordinance, code, rule or regulation of the city of a technical, health or safety nature.

(b) Notwithstanding the jurisdiction of the special magistrate to hear such matters, the city reserves the right to seek enforcement of any such code or ordinance in a court of competent jurisdiction.

(Ord. No. 92-3, § 2, 5-4-1992)

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\***State law references**—Code enforcement generally, F.S. ch. 162; special magistrate authorized, F.S. § 162.03.



Chapter 3

**RESERVED**





Chapter 4

**ALCOHOLIC BEVERAGES\***

- Sec. 4-1. Definitions.
- Sec. 4-2. Sale prohibited near church or school.
- Sec. 4-3. Days and hours of sale.
- Sec. 4-4. Public possession of open containers of alcoholic beverages.

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\*State law reference—Alcoholic beverages, F.S. ch. 561 et seq.



**Sec. 4-1. Definitions.**

The city hereby adopts by reference the definitions set out in F.S. § 561.01.  
(Code 1959, § 4-1)

**State law reference**—For controlling state law as to alcoholic beverages, see F.S. chs. 561, 562, 567, and 568.

**Sec. 4-2. Sale prohibited near church or school.**

No liquor, beer or wine shall be sold within 300 feet in an air line from any church, public or private school operated for the instruction of minors in the common branches of learning measured from building to building at their closest points, except such places of business as are already established.  
(Code 1959, § 4-7)

**Sec. 4-3. Days and hours of sale.**

(a) No alcoholic beverages may be sold, consumed, served or permitted to be served or consumed in any place holding a license under the beverage laws of the state and the same are hereby prohibited within the corporate limits of the city between the following hours (Eastern Standard Time), on the following days:

- (1) 12:00 midnight Monday until 7:00 a.m. Tuesday;
- (2) 12:00 midnight Tuesday until 7:00 a.m. Wednesday;
- (3) 12:00 midnight Wednesday until 7:00 a.m. Thursday;
- (4) 12:00 midnight Thursday until 7:00 a.m. Friday;
- (5) 12:00 midnight Friday until 7:00 a.m. Saturday;
- (6) 12:00 midnight Saturday until 7:00 a.m. Sunday; and
- (7) 12:00 midnight Sunday until 7:00 a.m. Monday.

(b) Notwithstanding the provisions of subsection (a) of this section, the sale of alcoholic beverages as defined by the beverage laws of the state shall also be permitted within the city on December 31 of each year for New Year's Eve between the hours of 7:00 a.m. and 2:00 a.m. the following day.  
(Ord. No. 2018-01, §§ 1, 2, 2-12-2018)

**State law reference**—Local regulation of hours of sale, F.S. § 562.14.

**Sec. 4-4. Public possession of open containers of alcoholic beverages.**

(a) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Open container* means any container of alcoholic beverage, as defined under the laws of the state, which is immediately capable of being consumed from, or the seal of which has been broken.

*Public property* means property owned by any governmental entity including, but not limited to, the city, the state, or the United States federal government, whether such property is titled in an individual agency name of any government unit. The term "public property" includes, but is not limited to, all public parks, public playgrounds and any other governmentally-owned property.

*Road* means a way open to travel by the public, including, but not limited to, a street, highway or alley. The term "road" includes associated sidewalks, the roadbed, the right-of-way, and all culverts, drains, sluices, ditches, water storage areas, embankments, slopes, retaining walls, bridges, tunnels and viaducts necessary for the maintenance of travel used in connection therewith, and shall also include public bike paths or public walking trails.

(b) *Possession of open containers on roads, street, sidewalks, alleys, and other public property.* It shall be unlawful for any person to consume or have in his possession any open container of any alcoholic beverage upon any road, street, sidewalk, alley or other public property within the city. In addition, no person shall consume or have in his possession any alcoholic beverage in an open container on any privately-owned property except as a lawful guest and with the consent of the owner or person in charge of such privately-owned property.

(c) *Exceptions.* This section shall not apply when the road, street, sidewalk, alley or other public property has been granted a temporary or permanent alcoholic beverage special use permit or equivalent permit, upon specific prior petition and approval of an application for the same by the city; or where a portion of a sidewalk has been leased and permitted by the city as a sidewalk cafe. This section shall not be deemed to apply to possession of open containers of alcoholic beverages in motor vehicles in violation of F.S. § 316.1936.

(d) *Penalties for violation of this section; enforcement; and procedure for processing infractions.*

- (1) The board of commissioners hereby designates that violation of this section shall be deemed a non-criminal infraction punishable by a civil penalty in accordance with the following schedule set forth herein. A violation of this section may be enforced by the issuance of a citation by the sheriff of the county or his deputies, by the chief of police of the city or his officers, or by any other state law enforcement officers, by way of issuance of a citation. A violator of this section charged with a non-criminal infraction pursuant to this section must sign and accept a citation. Any person who willfully refuses to sign and accept a citation issued by an authorized law enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083, or both. Any person charged with a non-criminal infraction pursuant to this section may:
  - a. Pay the civil penalty, either by mail or in person, within 30 days of the date of receiving the citation.
  - b. Contest the citation by appearance in court at the time and location set by the clerk of the court.
- (2) A person who pays the civil penalty, as provided herein, shall be deemed to have admitted the infraction and to have waived the right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings.

- (3) All civil penalties shall be paid to and collected by the clerk of the court of the county. All penalties collected by the clerk shall be distributed to the city after first deducting all fees due the clerk and/or the state in accordance with Florida Statutes. The city, as an additional remedy, may also refer cases of violations not paid and not contested within 30 days of issuance to a collection agency for processing, collection and notification of failure to pay to the credit bureau.
- (4) Any person electing to appear before the county court shall be deemed to have waived the limitations on the civil penalty set forth herein. The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proved, the court may impose a civil penalty not to exceed \$500.00 plus court costs. If a person is found by the county court to have committed an infraction, he may appeal that finding to the circuit court.
- (5) After issuing a citation to an alleged violator, the law enforcement officer shall deposit the original and one copy of the citation with the county court, by filing the same with the clerk of the court of the county.
- (6) If a person fails to pay the civil penalty or request a hearing within 30 days of issuance of said citation, fails to appear in court to contest the citation when a hearing has been requested, or fails to appear in court as may be required, the court may enter judgment for an amount not to exceed \$500.00 per infraction, together with court costs, if applicable, and/or the court may issue an order to show cause upon the request of the issuing agency. At the discretion of the court, the court order shall require such person to appear before the court in response to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, the person may be held in contempt of court. At any hearing pursuant to this section, the commission of a violation of this section must be proved by a preponderance of the evidence. The Florida Rules of Civil Procedure and the Florida Evidence Code shall be applicable to any hearing.
- (7) For violations of this section, the board of commissioners hereby establishes the following civil penalty citation schedules which will apply if the person cited elects not to contest a citation, and the maximum civil penalties which will apply if such person elects to contest a citation:

a. Civil penalty for those persons not contesting a citation:

First citation	\$50.00
Second citation	\$150.00
Third and all additional citations	\$250.00

b. Maximum civil penalty for those persons contesting a citation:

First citation	\$300.00
Second citation	\$400.00
Third and all additional citations	\$500.00
(Court costs may be imposed at the discretion of the court.)	

(e) *Form of citation.* A citation issued pursuant to this section shall be in a form prescribed by the municipality which shall contain, at a minimum, the following:

- (1) The date and time of issuance.
- (2) The name and address of the person to whom the citation is issued.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting reasonable cause.
- (5) The number or section of the Code or section violated.
- (6) The name and authority of the code enforcement officer.
- (7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
- (8) The applicable civil penalty if the person elects to contest the citation.
- (9) The applicable civil penalty if the person elects not to contest the citation.
- (10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(Ord. No. 2012-01, §§ 1—5, 3-12-2012)

Chapter 5

**RESERVED**





Chapter 6

**ANIMALS\***

Sec. 6-1. Hog pens, sinks, stables.

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\***Editor's note**—The county animal control ordinance applies in the city.

**State law references**—Municipal Home Rule Powers Act, F.S. ch. 166; local animal control ordinances, F.S. § 828.27.



**Sec. 6-1. Hog pens, sinks, stables.**

It shall be the duty of all persons having sinks, hog pens or stables upon the premises occupied by them to keep the same in such condition as shall not be offensive or prejudicial to the health of the city.  
(Code 1959, § 15-5)



Chapter 7

**RESERVED**



Chapter 8

**BUILDINGS AND BUILDING REGULATIONS\***

- Sec. 8-1. County public capital facilities impact fee ordinance inapplicable in city.
- Sec. 8-2. County-wide road impact fee ordinance to apply in city.
- Sec. 8-3. Contractors.

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\***Editor's note**—Pursuant to interlocal agreement, the county enforces the state building code in the city.

**State law references**—Municipal Home Rule Powers Act, F.S. ch. 166; Florida Building Code, F.S. § 553.70 et seq.





**Sec. 8-1. County public capital facilities impact fee ordinance inapplicable in city.**

(a) The county Ordinance No. 99-10 is hereby repealed in its entirety within the municipal boundaries and corporate limits of the city as of the effective date of the ordinance from which this section is derived.

(b) The impact fees established by the county Ordinance No. 99-10 shall not be effective within the city.

(Ord. No. 2002-13, §§ 1, 2, 7-15-2002)

**Sec. 8-2. County-wide road impact fee ordinance to apply in city.**

(a) *Application of the county-wide impact fee Ordinance No. 99-09, as amended, within the municipal limits.* The city does hereby authorize the imposition of the county-wide impact fees established by the county being further referenced as county Ordinance No. 99-09, together with all amendments thereto, within the municipal limits of the city effective upon final reading and passage of the ordinance from which this section is derived as set forth herein.

(b) *Reservation of rights.* The city reserves unto itself the right to enact an ordinance opting out of the County-wide impact fee Ordinance No. 99-09, as amended, if at such future date the board of commissioners deems it prudent and appropriate for the city to reject application of the county-wide impact fee ordinance described herein.

(c) *Interlocal agreement.* The city and the county shall enter into an interlocal agreement concerning the collection of the impact fees by the county within the municipal boundaries of the city, and the disbursement of such funds from the trust fund established for the incorporated area of the city for eligible road projects within the city, in accordance with county Ordinance No. 99-09 and all amendments thereto, and in accordance with the method of distribution of said impact fees set forth therein as agreed to between the parties.

(Ord. No. 2007-03, §§ 2, 3, 6, 7-2-2007)

**Sec. 8-3. Contractors.**

The standards for the licensing and the determination of competency and qualifications of building contractors for work performed within the city shall be identical to those standards established by the county, and said licensing and approval shall be administered by the county.

(Ord. No. 87-1, § 1, 2-9-1987)

**State law reference**—State and local regulation of contractors, F.S. ch. 489.



Chapter 9

**RESERVED**



Chapter 10

**BUSINESSES\***

**Article I. In General**

- Sec. 10-1. Cannabis dispensing businesses prohibited.
- Secs. 10-2—10-20. Reserved.

**Article II. Adult Entertainment Establishments**

- Sec. 10-21. Scope.
- Sec. 10-22. Purpose.
- Sec. 10-23. Findings.
- Sec. 10-24. Definitions.
- Sec. 10-25. Prohibitions.
- Sec. 10-26. Violation unlawful.
- Secs. 10-27—10-55. Reserved.

**Article III. Fuel Pump Security**

- Sec. 10-56. Short title.
- Sec. 10-57. Definitions.
- Sec. 10-58. Fuel pump security requirements.
- Sec. 10-59. Penalty for violations.
- Secs. 10-60—10-76. Reserved.

**Article IV. Peddlers and Hawkers**

- Sec. 10-77. Definitions.
- Sec. 10-78. Persons exempt.
- Sec. 10-79. Enforcement.
- Sec. 10-80. Time limitation for stops for vending.

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\*State law reference—Municipal Home Rule Powers Act, F.S. ch. 166.



**ARTICLE I. IN GENERAL****Sec. 10-1. Cannabis dispensing businesses prohibited.**

(a) *Purpose and intent.* The purpose of this article is to provide the board of commissioners with the opportunity to review the impact of recent changes in law, constitutional amendments, as well as, the impact of cannabis dispensing businesses in other jurisdictions, and determine if such dispensing should be permitted and regulated in the city.

(b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Cannabis dispensing business* means a business location offering cannabis for retail sale pursuant to a license to dispense cannabis issued under applicable law, including medical marijuana treatment center dispensary facilities.

*Compassionate Use Act* means F.S. § 381.986, and any rules or regulations promulgated thereunder or as applicable thereto.

*Marijuana (cannabis)* means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient.

(c) *Moratorium.*

- (1) A ban is hereby imposed on the opening of cannabis dispensing businesses within the city.
  - a. It shall be unlawful and a violation of this article, the city land development code, and this Code, as presently existing or as may be subsequently amended, for any person or entity to open or cause to be opened any cannabis dispensing business within the city.
  - b. It shall be unlawful and a violation of this article, the city land development code, and this Code, as presently existing or as may be subsequently amended, for any person or entity to relocate or cause to be relocated any cannabis dispensing business within the city.
  - c. It shall be unlawful and a violation of this article, the city land development code, and this Code, as presently existing or as may be subsequently amended, for any person or entity to expand or cause to be expanded any cannabis dispensing business within the city.
  - d. The city, through its board of commissioners or its staff, shall not accept, process, approve or issue any application for business tax receipts, licenses, building permits, land use permits, land development permits, special use permits, special exception applications, zoning or comprehensive land use change applications concerning or related to a cannabis dispensing business.
  - e. The city, through its board of commissioners or its staff, shall not accept, process or approve any licenses, permits or approvals for any property, entity or individual for the sale or dispensation of cannabis so long as this article is in effect.

f. This article shall be reviewed and revisited as may be necessary and appropriate from time to time as determined by the board of commissioners.

(2) Nothing in this article shall be construed to prohibit the use of cannabis pursuant to the Compassionate Use Act or other applicable state law, or the delivery of cannabis in compliance with the Compassionate Use Act or other applicable state law.

(d) *Penalties.* A violation of the provisions of this article shall be deemed to be a violation of the city land development code and the applicable provisions of this Code, punishable as set forth therein. Additionally, enforcement of this article may be made through the city code enforcement system by the code enforcement officer and code enforcement special magistrate, and the city may also seek injunctive relief from a court of competent jurisdiction to enjoin the person or entity in violation from such violation during the term of this article, and the city may also seek attorney's fees and costs from the offending party in any such legal action undertaken.

(Ord. No. 2017-07, §§ 1—4, 12-11-2017)

**State law references**—Medical marijuana, F.S. § 381.986; authority to ban medical marijuana treatment center dispensing facilities, F.S. § 381.986(11)(b).

**Secs. 10-2—10-20. Reserved.**

## **ARTICLE II. ADULT ENTERTAINMENT ESTABLISHMENTS\***

### **Sec. 10-21. Scope.**

This article applies to bookstores, theaters, arcades, adult massage parlors, adult bathhouses, hotels and motels and any other business that offers books and other printed materials, motion pictures, video tape recordings, tapes, rubber goods or other sexually oriented paraphernalia, or lodgings which have as their dominant or primary theme matters related to specified sexual activities or specified anatomical areas.

(Ord. No. 90-7, § 1, 11-5-1990)

### **Sec. 10-22. Purpose.**

The ordinance from which this article is derived is enacted for the purpose of expressing and protecting contemporaneous community standards of conduct. These standards do not permit the operation of sexually oriented establishments and sexually oriented activities.

(Ord. No. 90-7, § 2, 11-5-1990)

### **Sec. 10-23. Findings.**

(a) The city commission finds that the United States Supreme Court has formulated constitutional guidelines, including the following:

(1) Obscene material is not protected under the First Amendment.

**\*State law reference**—Location restrictions for adult establishments, F.S. § 847.0134.



- (2) The government has a legitimate interest in protecting the public commercial environment by preventing obscene materials from entering the stream of commerce.
- (3) With regard to the regulation of obscenity, there is a right of the nation and of the states to maintain a decent society.
- (4) The primary requirements of decency may be enforced against obscene publications.
- (5) With regard to the scope of regulation of obscene material permissible under the First Amendment, the United States Supreme Court does not undertake to tell states what they must do, but rather undertakes to define the area in which they may chart their own course in dealing with obscenity. The construction of a state obscenity statute by the state's highest court is binding on the United States Supreme Court.
- (6) The states have a legitimate interest in regulating the use of obscene material in local commerce and in all places of public accommodation, including so-called "adult" motion picture theaters from which minors are excluded as long as such regulations do not run afoul of specific constitutional prohibition.
- (7) Under the First and Fourteenth Amendments, the constitutionally permissible scope of state regulation of obscene materials is confined to works which depict or describe sexual conduct, which conduct must be specifically defined by the applicable state law, as written or authoritatively construed.
- (8) Under the First and Fourteenth Amendments, a state offense relating to obscene materials must be limited to works that, taken as a whole, appeal to the prurient interest in sex; that portray sexual conduct in a patently offensive way; and that, taken as a whole, do not have serious literary, artistic, political or scientific value.
- (9) With regard to constitutionally permissible state regulation of obscene materials, the basic guidelines for the trier of fact must be:
  - a. Whether the average person, applying contemporary community standards, would find that work taken as a whole appeals to the prurient interest;
  - b. Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law;
  - c. Whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value, there being no requirements that the work be utterly without redeeming social value or social importance. If a state law that regulates obscene material is thus limited as written or construed, the First Amendment values applicable to the states through the Fourteenth Amendment are adequately protected by the ultimate power of appellate courts to conduct an independent review of constitutional claims when necessary.
- (10) With regard to the standard for constitutionally permissible state regulation of obscene material that the work must depict or describe, in a patently offensive way, sexual conduct specifically defined by the applicable state law, a state statute may properly define for regulation:
  - a. Patently offensive representations or descriptions of ultimate sexual acts normal or perverted, actual or simulated; and

- b. Patently offensive representation or description of masturbation, excretory functions and lewd exhibition of the genitals.
- (11) Although fundamental First Amendment limitations on the powers of the states as to obscene materials do not vary from community to community, nevertheless this does not mean that there are or should or can be fixed uniform national standards of precisely what appeals to the prurient interest or is patently offensive. Obscenity is to be determined by applying contemporaneous community standards, not national standards.
- (12) Under constitutional standards for determining obscenity in *Miller v. California*, it is permissible to allow juries to rely on the understanding of the community from which they come as to the contemporaneous community standards of obscenity, and the states have a considerable latitude in framing statutes under such element of the *Miller* decision. A state may choose to define an obscenity offense in terms of contemporary community standards without further specification, or it may choose to define the standards in more precise geographic terms.
- (13) Although a state may constitutionally proscribe obscenity in terms of a statewide standard, any such precise geographical area is not required as a matter of constitutional law.
- (14) The state may constitutionally punish the conduct of a person engaged in the commercial exploitation of the morbid and shameful craving for materials with prurient effect.
- (15) Expression by words also can be legally obscene in the sense of being unprotected by the First Amendment, and an obscene book is not protected by the First Amendment merely because it contains no pictures.
- (16) Obscenity, unprotected by the First Amendment, can manifest itself in conduct, in the pictorial representation of conduct, or in the oral and written description of conduct.
- (17) Commercial exposure and sale of obscene materials to anyone, including consenting adults, is not constitutionally protected and is subject to state regulations.
- (18) Obscene, pornographic motion picture films do not acquire constitutional immunity from state regulation simply because they are exhibited for consenting adults.
- (b) The city commission finds that in areas surrounding the city, there is an increase in the public display of obscenity and sexually explicit adult entertainment for commercial purposes that poses a real danger to the quality of life and the value of real estate property and is a detriment to the health, safety and welfare of the citizens.
- (c) The city commission finds agreement with F.S. § 847.01125 which forbids the retail display of certain books, magazines, periodicals or other printed matter considered to be harmful to minors.
- (d) The city commission finds that commercial sexually oriented entertainment and display or sale of sexually oriented material tends to foster and encourage crime. These activities are dangerous to law abiding citizens living, traveling or conducting lawful business nearby.  
(Ord. No. 90-7, § 3, 11-5-1990)

**Sec. 10-24. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Adult arcade* means an establishment where for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions or illustrations which are characterized by emphasis upon the depiction or description of specified sexual activities or specified anatomical areas. For the purpose of this article, an adult arcade is included within the definition of the term "adult motion picture theater."

*Adult bathhouse* means a commercial establishment where whirlpools, saunas, steam baths, pools or similar devices are used by patrons or persons for lewd or indecent exposure, as described in F.S. ch. 800, of specified anatomical areas or any other specified sexual activities, as listed in the definition for the term "specified sexual activities." For the purpose of this article, an adult bathhouse is included within the definition of the term "adult entertainment establishment."

*Adult bookstore* means a place which sells or offers for sale for any consideration, or displays for viewing by patrons or browsers any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, drawings, films, motion pictures, video cassettes, slides, prints or other visual representations or recordings, novelties or devices which have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities. An adult bookstore includes a place with only a portion or section of its area used for display or sale to persons of material listed in subsection (1) of this definition. For the purpose of this article, an adult bookstore is included within the definition of the term "adult entertainment establishment."

*Adult dancing establishment* means a commercial establishment that permits, suffers or allows persons to display or expose specified anatomical areas or allows persons to use or simulate use of sexually oriented paraphernalia, instruments or devices with humans or animals. For the purpose of this article, an adult dancing establishment is included within the definition of the term "adult entertainment establishment."

*Adult entertainment establishment* means an adult motion picture theater, an adult bookstore, an adult dancing establishment, an adult theater, adult massage parlor or adult bathhouse.

*Adult massage parlor* means a place where specified anatomical areas of one person are touched by rubbing, stroking, kneading or tapping by another person who is an employee accompanied by the display of exposure of specified anatomical areas, but not including health care facilities, licensed physicians or nurses engaged in the practice of their professions, establishments registered under F.S. ch. 480, educational athletic facilities if the massage is a normal and usual practice in such facilities, and health clubs and athletic societies if the massage is incidental to or a normal part of the health and

athletic activities thereof, except where sexual intercourse takes place. For the purpose of this article, an adult massage parlor is included within the definition of the term "adult entertainment establishment."

*Adult motion picture booth* means an enclosed area designed or used for the viewing by one or more persons of motion pictures, films, video cassettes, slides, illustrations, or other photographic reproductions which have as their primary or dominant theme matters depicting, illustrating or relating to specified sexual activities or specified anatomical areas. For the purpose of this article, an adult motion picture booth is included within the definition of the term "adult picture theater."

*Adult motion picture theater* means an enclosed building or a portion or part of an enclosed building, or an open-air theater designed to permit viewing by patrons seated in automobiles, standing or sitting within viewing range, used to present, for any form of consideration, film material which has as its primary or dominant theme matters depicting, illustrating or relating to specified sexual activities for observation by adult patrons thereof, and includes any hotel, motel, boardinghouse, roominghouse or other lodgings for patrons which present such motion pictures, films, videos cassettes, slides or other photographic reproductions or illustrations which have as their primary or dominant theme matters depicting, illustrating, or relating to specified sexual activities or specified anatomical areas. For the purpose of this article, an adult motion picture theater is included within the definition of the term "adult entertainment establishment."

*Adult theatre* means any place indoors or out of doors where live or dead humans or animals are used in a plan, drama, single person act, traveling show, exhibition or entertainment which has as its primary or dominant theme matters depicting, illustrating or relating to specified sexual activities or specified anatomical areas. For the purpose of this article, an adult theater is included within the definition of the term "adult entertainment establishment."

*Commercial* means operated for pecuniary gain. For the purpose of this article, operation for pecuniary gain shall not depend on actual profit or loss.

*Commercial establishment* means any business location or place of business conducting or allowing to be conducted on its premises any commercial activity.

*Establishment* means a physical plant or location of the commercial activities or operations being conducted, or both together, as the context of the article may require.

*Obscene material* means any printed or graphic material in any medium, whether book, magazine, periodical, film, video tape or other, which depicts or simulates the depiction of a specified sexual activity or specified anatomical area which meets the following standard:

- (1) The average person applying contemporary community standards would find that it, taken as a whole, appeals to the prurient interest.
- (2) It depicts or describes, in a patently offensive way, sexual conduct specifically defined hereunder.
- (3) It, taken as a whole, lacks serious literary, artistic, political or scientific value.

*Patron* means any person who is physically present on the premises of a commercial establishment and who is not an owner, employee, agent or subcontractor of said establishment or an entertainer or performer at said establishment.

*Specified anatomical areas* means the following areas less than completely and less than opaquely covered:

- (1) Human genitals or pubic region;
- (2) Human buttocks;
- (3) Human female breasts below a point immediately above the top of the areola (the colored ring around the nipple); or
- (4) Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

*Specified criminal act* means soliciting for the prostitution, pandering prostitution, keeping a house of ill fame, lewd and lascivious behavior, or any other act prohibited under F.S. chs. 796 and 800, straddle or lap dancing, exposing minors to obscene materials, distributing obscene materials, displaying obscene materials, offering obscene materials for sale, transporting obscene materials, transmitting obscene materials or allowing transmission of obscene materials or any other act prohibited under F.S. ch. 847.

*Specified sexual activities* means:

- (1) Public or private exposure, exhibition or display of human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human adamatism, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, grottage, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy, urolagnia or zooerasty;
- (3) Fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast; or
- (4) Excretory functions as party of or in connection with any of the activities set forth in subsections (1) and (2) of this definition.

*State* means the local governing body, i.e., "state," for purposes of this article, means the city commission or the state where the context requires.

*Straddle or lap dancing* means the placing, for any form of consideration, of the buttocks, pubic or genital area of persons, whether clothed or not, in contact with the pubic or genital area of a patron or person, whether clothed or not, or within one foot of a patron or person. For the purpose of this article, the term "straddle or lap dance" is included within the definition of the term "specified criminal act." (Ord. No. 90-7, § 4, 11-5-1990)

#### **Sec. 10-25. Prohibitions.**

The following acts or activities are prohibited in the city:

- (1) The ownership, establishment or operation of any adult entertainment establishment.
- (2) The commercial establishment or operation of any adult entertainment establishment.

- (3) The commercial establishment or operation of an adult entertainment establishment or any other place or establishment at which persons or patrons are exposed to specified sexual activities or at which specified anatomical areas are displayed, exhibited or exposed to persons or patrons.
  - (4) The commission, attempt to commit, conspiracy to commit or solicitation to commit any specified criminal act.
  - (5) The exposure, display or exhibition of any specified sexual activities or specified anatomical areas at any adult entertainment establishment.
  - (6) The exposure, exhibition, display, distribution, offer for sale or lease, pandering or dissemination of any obscene material.
  - (7) The engaging in any act or activity prohibited under the foregoing subsections (1) through (6) of this section in any commercial establishment or other commercial place at which alcoholic beverages are sold, consumed or permitted or suffered to be sold or consumed.
- (Ord. No. 90-7, § 5, 11-5-1990)

**Sec. 10-26. Violation unlawful.**

The commission of any act or activity prohibited under section 10-25 is unlawful and a violation of this article. Any owner, employee, agent or independent contractor of any adult entertainment establishment or any other establishment or place at which prohibited acts or activities are engaged, or who, at such establishment or place, exposes persons or patrons to specified sexual activities or displays, exhibits or exposes to patrons specified anatomical areas shall be guilty of an offense.

(Ord. No. 90-7, § 6, 11-5-1990)

**Secs. 10-27—10-55. Reserved.**

### ARTICLE III. FUEL PUMP SECURITY

**Sec. 10-56. Short title.**

This article shall be known as "The City of Trenton Fuel Pump Security Ordinance."

(Ord. No. 2019-02, § 2, 9-19-2019)

**Sec. 10-57. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Fuel pump* means a machine or device used to dispense petroleum fuel for sale to the public at retail.

*Operator* means the person or legal entity which leases, manages or operates a fuel pump.

*Owner* means the record title owner of the property on which a fuel pump is located.

*Payment card* shall have the same meaning as defined in F.S. § 817.625, as may hereafter be amended.

*Scanning device* shall have the same meaning as defined in F.S. § 817.625, as may hereafter be amended.

(Ord. No. 2019-02, § 3, 9-19-2019)

**Sec. 10-58. Fuel pump security requirements.**

(a) Each fuel pump which contains a scanning device in the city shall have affixed to or installed on the exterior of any fuel pump a visible fuel pump lock, which requires an access key unique to each facility's location, to restrict the unauthorized access of consumer payment card information. The access key shall be maintained at the facility at all times.

(b) Any owner or operator which dispenses petroleum fuel to the public at retail shall also:

- (1) Place tamper-proof security stickers with serial number identification thereon, and inspect, read and record the serial number in a special logbook kept at the premises a minimum of three times per day. The security stickers shall be replaced and logged into the owner's or operator's logbook once every 24 hours.
- (2) Provide recordable video surveillance of all fuel pumps located upon the premises of the owner or operator and maintain such video recording for a minimum of 30 days.

The owner or operator of any fuel pump that chooses to install an alternate security measure pursuant to this section shall demonstrate compliance with this section of the Code to a code enforcement officer or law enforcement officer upon request, who shall present the alternative security measure to the city commission for final approval.

(c) Fuel pumps that have been found in compliance with this section may be appropriately marked by the appropriate enforcing entity for identification purposes.

(d) A security measure affixed or installed on a fuel pump pursuant to subsection (a) or (b) of this section shall be maintained by the owner or operator in good working condition at all times.

(e) The requirements provided by this article shall apply in the city and shall be enforced by a city code enforcement officer or public safety law enforcement officer of the city.

(f) A duly appointed code enforcement officer or public safety law enforcement officer of the city may at all reasonable times inspect the fuel pumps, log records, and video surveillance of the owner or operator to ensure compliance with the terms of this article.

(Ord. No. 2019-02, § 4, 9-19-2019)

**Sec. 10-59. Penalty for violations.**

(a) When discovered by a law enforcement officer, a violation of any portion of this article by an owner or operator may be punishable by a fine not exceeding \$250.00 per fuel pump. Each day that a violation exists shall constitute a separate and distinct violation.

(b) When discovered by a code enforcement officer, a violation of any portion of this article shall subject the owner or operator to the code enforcement provisions and procedures provided in this Code and F.S. ch. 162. Violations of this article may be punishable by a fine of up to \$250.00 per fuel pump. Each day that a violation exists shall constitute a separate and distinct violation.  
(Ord. No. 2019-02, § 5, 9-19-2019)

**Secs. 10-60—10-76. Reserved.**

#### ARTICLE IV. PEDDLERS AND HAWKERS

**Sec. 10-77. Definitions.**

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Retailer* means any person who sells to the consumer.

*Wholesaler* means any person who sells to a retailer.

(b) All persons who shall sell or offer to sell at wholesale or retail any goods, wares or merchandise from a stand, wagon, motor vehicle, push cart or upon any street or upon any public or vacant ground within the corporate limits of the city shall be deemed a hawker within the meaning of this article.

(c) All other persons who travel from place to place or from house to house selling or offering to sell any goods, wares or merchandise within the corporate limits of the city, except in the regular line of merchandising by actual bona fide merchants having a regular and fixed place of business within such city, shall be deemed a peddler within the meaning of this article.  
(Code 1959, § 18-1)

**Sec. 10-78. Persons exempt.**

The provisions of this article shall not apply to scientific and literary lectures and entertainment; or to any regularly licensed auctioneer; or to any news dealer; or to a person using a motor vehicle owned by him, whether operated by him or his agent for the transportation of produce produced by him on premises owned or rented by him when the entire course of such transportation extends not more than 70 miles from such premises; or to persons employed by any wholesale or retail business engaged in interstate commerce to solicit orders on salary or commission.  
(Code 1959, § 18-6)

**Sec. 10-79. Enforcement.**

The police department of the city or any police officer of the city shall police such business, trade or calling of hawkers and peddlers to the end that this article is complied with.  
(Code 1959, § 18-7)



**Sec. 10-80. Time limitation for stops for vending.**

No peddler or hawker as defined herein shall stop or stand or continue in any one place upon any of the streets of the city more than 15 minutes at any time for the purpose of vending, selling, advertising or otherwise disposing of any patent medicine, drugs, goods, wares, notions or other articles of commerce, except by special permission of the city commission.

(Code 1959, § 18-8)



Chapter 11

**RESERVED**



Chapter 12

**CEMETERIES\***

**Article I. In General**

Secs. 12-1—12-18. Reserved.

**Article II. Trenton Cemetery**

- Sec. 12-19. Definitions.
- Sec. 12-20. Scope.
- Sec. 12-21. Purchase of lots.
- Sec. 12-22. Ownership and title of lots.
- Sec. 12-23. Privileges and restrictions.
- Sec. 12-24. Rules for visitors.
- Sec. 12-25. Interments and removals.
- Sec. 12-26. Burial vaults.
- Sec. 12-27. Trees, shrubs and flowers and other structures.
- Sec. 12-28. Monuments and markers.

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\***State law references**—Municipal Home Rule Powers Act, F.S. ch. 166; Florida Funeral, Cemetery and Consumer Services Act, F.S. ch. 497.



**ARTICLE I. IN GENERAL**

**Secs. 12-1—12-18. Reserved.**

**ARTICLE II. TRENTON CEMETERY****Sec. 12-19. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Interment right* means the right of all owners to use cemetery grounds for the interment of dead persons. This interment right belongs to the owner of the cemetery lot or grave space and is subject to the rules and regulations contained herein.

*Memorial* means any marker or monument upon or in any lot or niche, placed thereupon or therein or partially therein for the purpose of identification or in memory of the interred.

*New addition* means that part of the cemetery deeded to the city on or about the year 1944 by N.G. Wade Investment Company legally described as the southeast  $\frac{1}{4}$  of southeast  $\frac{1}{4}$  of northeast  $\frac{1}{4}$  of Section 7, Township 10 South, Range 15 East, Gilchrist County, Florida, and containing approximately ten acres, more or less, and all other lots which may be added for burial purposes after the effective date of the ordinance from which this chapter is derived.

*Owner* means any person who has purchased a lot in the cemetery or the heirs, personal representatives or successors of such owner.

(Ord. No. 2013-01, § 1, 5-14-2013)

**Sec. 12-20. Scope.**

The provisions of this article apply to the Trenton Cemetery.

**Sec. 12-21. Purchase of lots.**

(a) Burial lots located in the Trenton Cemetery shall be sold by the city as provided by this section known as the Trenton Cemetery section of the city and as is specifically prescribed and determined by resolution of the board from time to time hereafter.

(b) Burials within the Trenton Cemetery shall be limited to residents of the county, or to those persons belonging to the immediate family of residents of the county, and ancestors or descendants of those buried in the Trenton cemetery. Immediate family of a county resident is defined as a spouse, brother, sister, niece, nephew or in-laws of any such person, or a person related to the resident by lineal consanguinity, whether an ancestor or a descendant, and whether natural or legally adopted by any such person.

(c) In addition, burial within the Trenton Cemetery shall be authorized for city employees and former city employees who are currently or were employed by the city for at least five years prior to purchase of their cemetery lot within the Trenton cemetery. Burials shall also extend to those persons belonging to such employee's immediate family members as described herein.

(Ord. No. 2013-01, § 2, 5-14-2013)

**Sec. 12-22. Ownership and title of lots.**

(a) The term "lot owner" or "ownership" shall be construed to mean an easement only and the right to use a lot, as purchased from the city for a consideration, for burial purposes only and under the cemetery rules and regulations as prescribed by the city for such use.

(b) Upon full payment of the purchase price of a lot, the city will issue a cemetery easement under its seal and said easement will be recorded in the records of the city as evidence of ownership of the lot easement. Lots for which easements have been issued by the city shall not thereafter be divided except by written consent of the city. All lots are exempt from taxation and cannot be seized for debt, nor can they be mortgaged.

(c) Following the effective date of the ordinance from which this section is derived, only such persons as whose names appear on the cemetery records of the city will be recognized as owners of lots. In case of the death of a lot owner, when the cemetery lot burial rights easement is disposed of by will or under the intestacy statutes of the state, true and correct documentation from the court administration of the decedent's estate showing to whom the burial right easement is distributed to must be delivered to the city clerk before the city will recognize the change in ownership. Lot owners, in making their wills, should include the cemetery lot and devise each burial lot easement specifically to one person. If no administration of a deceased lot owner's estate is necessary or undertaken following his death, the city at its sole discretion may choose to accept a certified copy of the decedent's last will and testament which specifically describes to whom the decedent's assets are to be distributed, in order to assist the city in determination of to whom such burial lot easement should be subsequently assigned. Alternatively, where the decedent's estate is not formally administered, and in instances where the deceased lot owner left no will, the city in its sole discretion may also rely upon a sworn affidavit from the decedent's heirs in determining to whom the burial lot easement rights should be subsequently assigned. The city shall encourage all purchasers of cemetery lots to designate the owner of each such lot at the time of purchase.

(d) The title to a cemetery lot invests in the owner the right to use such lot for burial purposes only, for themselves or the immediate family as described in this section, provided such admission is free of charge and without compensation and in accordance with these cemetery rules and regulations.

(e) Lot owners shall not resell or transfer ownership of their lots to any person whomsoever, but such unused lots as the owner may desire to dispose of may be returned to the city for a refund of the original purchase price paid for such lot.

(Ord. No. 2013-01, § 3, 5-14-2013)

**Sec. 12-23. Privileges and restrictions.**

(a) The city reserves the right for its employees and authorized agents and those persons necessary to the performance of normal cemetery operations to enter upon or cross over any lot in the cemetery in performance of such duties.



(b) The city, or its employees and authorized agents, shall assume no liability for any damages, actual or mental anguish in the performance of its normal operations or loss by vandalism or other acts beyond its reasonable control.

(Ord. No. 2013-01, § 4, 5-14-2013)

**Sec. 12-24. Rules for visitors.**

(a) The cemetery will be open to visitors at all times from sunrise to sunset. The city reserves the right to exclude or eject any visitor at any time, for disorderly conduct or violation of this section.

(b) Children under 18 years of age shall be accompanied by a parent or legal guardian or another responsible adult as designated by the minor's parent or legal guardian.

(c) Alcoholic beverages shall be prohibited within the cemetery, unless utilized for recognized religious purposes.

(d) Visitors shall use the walkways and drives and shall not trespass on cemetery lots, other than those lots owned by their immediate family, pick any flowers (either wild or cultivated), or injure any shrub, tree or plant, or mar or deface any monument, stone or structure in the cemetery.

(e) Political protests or similar demonstrations shall not be permitted in the cemetery.

(f) The city shall not be responsible for any injury to anyone found to be in violation of this section.  
(Ord. No. 2013-01, § 5, 5-14-2013)

**Sec. 12-25. Interments and removals.**

(a) All interments in lots shall be restricted to those persons set forth in sections 12-21 and 12-22. Graves for adults must not be less than five feet deep and for children not less than four feet deep or as may be prescribed by state statutes, rules or regulations as established from time to time.

(b) All burials shall be conducted by licensed funeral directors only, in accordance with state law.

(c) The interment of the bodies of persons who have died of a contagious disease shall be in strict compliance with the rules of the state department of health and any other required agencies or departments of the state.

(d) The interment of two bodies in one grave will not be allowed, except in the case of mother and infant, or twin children, or two children buried at the same time, if allowed by and in accordance with rules and regulations of the state. No interment of any remains other than that of a human being will be permitted within the cemetery.

(e) When flowers, wreaths, emblems, etc., that are used at funerals or placed on graves at other times become unsightly and faded, in the sole discretion of the city, they will be removed by the city and placed in a designated disposal area both in the new section and the old section of the cemetery and no responsibility for their protection or maintenance shall be assumed by the city.

(f) Disinterment and removal of bodies from graves in the cemetery shall only be made in accordance with the requirements of the laws of the state and the rules of the state department of health, and any other required state regulations, and only by such persons who are legally entitled to request the disinterment of any such body buried within the cemetery.

(g) Any legally interested party desiring a grave to be re-opened shall secure the necessary disinterment permit from the state and deliver the same to the cemetery director, with a copy provided to the city for its records, before any such grave shall be re-opened.

(Ord. No. 2013-01, § 6, 5-14-2013)

**Sec. 12-26. Burial vaults.**

(a) No interment shall be allowed in the Trenton Cemetery unless the casket is enclosed in a burial vault. Said burial vault shall be the concrete box sealer type or constructed of other durable material of the sealing type, with at least a 20-year life warranty, as is authorized and established from time to time by the state, but in any event the burial vault must be sufficient to totally encase the casket. The lid of the burial vault must be no less than 18 inches below the ground level, or as required by current law or rules of the state.

(b) Persons or corporations opening gravesites and installing vaults in the cemetery shall be required to have the location of the site approved by the city prior to installation of the burial vault. The design and construction of the vault shall be in accordance with state statutes and the state department of health regulations, and all other state regulations or rules.

(c) In the event of cremation, a burial vault shall not be required, but the vessel used for burial of the remains shall be buried at least 18 inches below the ground level, or as set forth from time to time by rules and regulations of the state.

(Ord. No. 2013-01, § 7, 5-14-2013)

**Sec. 12-27. Trees, shrubs and flowers and other structures.**

(a) Trees and shrubs shall not be planted in the cemetery except by the cemetery staff. Any unsightly trees, shrubs and flowers may be removed by the city at any time in its sole discretion.

(b) If any tree, shrub or plant standing upon any lot, by means of its roots, branches or otherwise, shall be or become detrimental to adjacent lots or avenues, or if for any reason its removal is deemed necessary in the city's sole discretion, the city shall have the right and it shall be its duty to remove such tree, plant or shrub or any part thereof, or otherwise correct the condition existing.

(c) With the following exception, fences, structures of wood and hedges are prohibited. Existing fences, structures of wood, enclosures or hedges that were established on any lot prior to May 1, 1995, may remain, unless in the sole discretion and the judgment of the city, they have become unsightly by reason of neglect or age, in which event they may be removed by the city in its sole discretion.

(d) No elevated mounds, structures or enclosures shall be built over any graves and no lot shall be filled above the natural ground level. Marble and granite slabs or the like may, however, be placed on the gravesite.

(Ord. No. 2013-01, § 8, 5-14-2013)

**Sec. 12-28. Monuments and markers.**

Memorial monuments and markers designating the gravesite of a deceased person shall be allowed in the cemetery as long as they are reasonable in size and in keeping with the existing pattern and scheme of other monuments or markers located within the cemetery at the time of placement. If any memorial or marker or any inscription placed on same shall be determined by the city to be offensive, the city shall have the right and it shall be its duty to enter upon any lot and remove, change or correct the offensive or improper object, as determined in the sole discretion of the city.

(Ord. No. 2013-01, § 9, 5-14-2013)



Chapter 13

**RESERVED**



Chapter 14

**COMMUNITY DEVELOPMENT\***

**Article I. In General**

Secs. 14-1—14-17. Reserved.

**Article II. Community Redevelopment**

Sec. 14-18. Community redevelopment agency.

Sec. 14-19. Community redevelopment plan.

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\*State law reference—Municipal Home Rule Powers Act, F.S. ch. 166.





**ARTICLE I. IN GENERAL**

**Secs. 14-1—14-17. Reserved.**

**ARTICLE II. COMMUNITY REDEVELOPMENT\*****Sec. 14-18. Community redevelopment agency.**

(a) *Established.* The city community redevelopment agency, hereinafter referred to as the agency, is hereby established as a public body corporate and politic in accordance with the Community Redevelopment Act of 1969 (F.S. § 163.330 et seq.).

(b) *Membership.*

- (1) The agency shall consist of the five members who reside or engage in a business within the area of operation of the agency. The members of the agency shall be appointed by the city commission.
- (2) The city commission may by resolution designate the city commission to perform the functions of the community redevelopment agency.
- (3) The members of the agency shall constitute the head of a legal entity separate, distinct and independent from the city commission.
- (4) Members of the agency shall receive no compensation for their services, but are entitled to the necessary expenses, including travel expenses, incurred in the discharge of their duties.
- (5) The officers, members and employees of the agency shall be subject to the code of ethics provisions and requirements of F.S. ch. 212, pt. III (F.S. § 112.311 et seq.).

(c) *Secretary, meetings and procedures.*

- (1) The city manager/clerk or his designee shall serve as secretary to the agency.
- (2) Three members of the agency shall constitute a quorum. Action may be taken by the agency upon the vote of a majority of the members present.
- (3) The agency shall meet at the call of the chairperson or at the written request of three or more members.
- (4) All meetings of the agency shall be open to the public. A record of all its motions, recommendations and transactions shall be made, which record shall be a public record on file in the office of the city manager/clerk.
- (5) Unless otherwise provided by the Community Redevelopment Act of 1969 (F.S. § 163.330 et seq.) or this article, Roberts Rules of Order shall be the governing procedures of the agency.

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\***State law reference**—Community Redevelopment Act of 1969, F.S. § 163.330 et seq.

(d) *Powers and duties; cooperation by city employees.*

- (1) The agency shall be vested with all of the powers and subject to all of the obligations and responsibilities as contained in the Community Redevelopment Act of 1969 (F.S. § 163.330 et seq.).
- (2) All employees of the city shall, upon request and within reasonable time, furnish to the agency or its agents such available records or information as may be required in its work. The agency or its agents may, in the performance of official duties, enter upon lands and make examinations or surveys in the same manner as other authorized agents or employees of the city and shall have such other powers as are required for the performance of official functions in carrying out the purposes of the agency.

(Ord. No. 2002-5, §§ 1—4, 4-1-2002)

**State law reference**—Community redevelopment agency, F.S. § 163.356 et seq.

**Sec. 14-19. Community redevelopment plan.**

(a) This section is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Redevelopment Act of 1969 (F.S. § 163.330 et seq.) and F.S. § 166.021.

(b) The community redevelopment plan for the city shall be entitled "City of Trenton Community Redevelopment Plan."

(c) The community redevelopment plan dated April 2002, which is herewith made a part of this section by reference, is hereby adopted.

(d) The applicability and effect of the community redevelopment plan shall be as provided by the Community Redevelopment Act of 1969 (F.S. § 163.330 et seq.) and this section.

(Ord. No. 2002-06, §§ 1—4, 6-3-2002)

**State law reference**—Community redevelopment plans, F.S. § 163.360 et seq.

Chapter 15

**RESERVED**



## Chapter 16

### **ELECTIONS\***

- Sec. 16-1. Supervisor of elections designated.
- Sec. 16-2. Time of holding regular elections for city commissioners and mayor-commissioner.
- Sec. 16-3. Special elections required; proclamation.
- Sec. 16-4. Mayor-commissioner to issue proclamation; contents; publication.
- Sec. 16-5. Qualification of candidates for mayor-commissioner or city commissioner.
- Sec. 16-6. Grouping of candidates; run-off elections.
- Sec. 16-7. Applicability of state laws and procedures of county.
- Sec. 16-8. Return of qualifying fees.
- Sec. 16-9. Reimbursement of expenses.
- Sec. 16-10. Provision for legal services.
- Sec. 16-11. Composition of canvassing board.

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\***State law references**—Elections generally, F.S. ch. 97 et seq.; municipal electors designated, F.S. § 166.032.



**Sec. 16-1. Supervisor of elections designated.**

The supervisor of elections for the county is hereby designated as the registration officer for all elections held by the city and shall have control of matters pertaining to the registration of electors, qualification of candidates, and the conduct of elections.

(Ord. No. 2006-31, § 1, 1-8-2007)

**Sec. 16-2. Time of holding regular elections for city commissioners and mayor-commissioner.**

Regular elections for the election of city commissioners and the mayor-commissioner shall be held on the first Tuesday after the first Monday in December of each year.

(Ord. No. 2006-31, § 2, 1-8-2007)

**Sec. 16-3. Special elections required; proclamation.**

(a) Special elections shall be held in the following cases:

- (1) When there has been no choice of any officer who should have been elected at a general election.
- (2) When a vacancy shall occur in any office by resignation, death or otherwise or when, in the discretion of the board of commissioners, any question affecting the interest of the city shall arise which might make it necessary to submit such question to a vote of the qualified electors of the city; provided, in case any vacancy shall occur at a time not more than 90 days before a regular election, it shall be within the discretion of the city commission whether a special election be called.

(b) Such a special election shall be ordered by the board of commissioners by resolution instructing the mayor-commissioner to issue his proclamation calling such election in the same manner and form as provided for in the case of regular elections.

(Ord. No. 2006-31, § 3, 1-8-2007)

**Sec. 16-4. Mayor-commissioner to issue proclamation; contents; publication.**

Not less than 40 days prior to any and all elections, the mayor-commissioner shall issue his proclamation calling the election. Such proclamation shall specify what officers are to be elected, the length of time such officers are to serve and the time and place of holding such election. Such proclamation shall be published at least once, approximately four weeks prior to the day of the election in a newspaper of general circulation published in the county. The supervisor of elections shall name the inspectors and clerks to serve at the election.

(Ord. No. 2006-31, § 4, 1-8-2007)

**Sec. 16-5. Qualification of candidates for mayor-commissioner or city commissioner.**

(a) Any person who is a resident of the city and is a qualified elector therein may become a candidate for mayor-commissioner or city commissioner by:

- (1) Appointing a campaign treasurer and designating a campaign depository;

- (2) Paying to the supervisor of elections a fee of 2½ percent of the annual salary of the office sought;
- (3) Taking an oath at the time of qualifying that he possesses the qualifications to become a candidate for such office and designating the group or office in which he shall run; and
- (4) Filing a statement of financial interest, pursuant to the requirements of F.S. § 112.3145.

(b) The qualifying period for elected office where possible shall be during the first full week in November of each year approximately 35 days preceding the election. In any event, the first day of qualifying shall begin on a Monday and end on a Friday, during regular business hours of the county supervisor of elections. The final day of qualifying, a Friday, shall be no less than 30 days preceding the designated municipal election day.

(c) It is the intent of this section that qualifying begin approximately during the first week of November, depending upon the peculiarities of any calendar year.

(Ord. No. 2006-31, § 5, 1-8-2007)

**Sec. 16-6. Grouping of candidates; run-off elections.**

Each seat shall be filled as a separate group and the candidates shall, at the time of qualifying, designate the group in which they shall run. The candidate receiving a majority of the votes cast in each group shall be elected. In the event no candidate receives a majority of votes cast in a group, a run-off election shall be held on the second Tuesday following the former election day between the two candidates in such group receiving the highest number of votes cast. The candidate receiving the highest number of votes cast in such run-off election shall be elected.

(Ord. No. 2006-31, § 6, 1-8-2007)

**Sec. 16-7. Applicability of state laws and procedures of county.**

Except where otherwise provided herein, the laws of the state and the procedures used by the county governing the conduct of elections shall apply to and govern all elections held by the city.

(Ord. No. 2006-31, § 7, 1-8-2007)

**Sec. 16-8. Return of qualifying fees.**

The supervisor of elections shall return to the city all qualifying fees received pursuant to section 16-5(a)(2).

(Ord. No. 2006-31, § 8, 1-8-2007)

**Sec. 16-9. Reimbursement of expenses.**

The city shall be directly and fully responsible for all expenses incurred by the county in the operation of the city elections. The county supervisor of elections shall approve all expenses and shall remit statements and billings to the city for direct payment. The city shall be responsible for all expenses resulting from the use of the supervisor's office for the purposes allowed by the section, including any and all legal fees and costs that may be incurred.

(Ord. No. 2006-31, § 9, 1-8-2007)



**Sec. 16-10. Provision for legal services.**

The city shall provide legal counsel to the supervisor, individually and in his capacity as supervisor, for any activity requiring such counsel that derives from any of the purposes contemplated by this chapter. (Ord. No. 2006-31, § 10, 1-8-2007)

**Sec. 16-11. Composition of canvassing board.**

All members of the board of commissioners who are not currently up for election shall serve as the canvassing board for all elections held under the city Charter and pursuant to this section. The canvassing board shall meet on the night immediately following every general election or special municipal election held under the city Charter and this section, for the purpose of canvassing and declaring the results of said elections, and the canvassing board, on said days of such meetings, shall declare the results of said elections. In those cases where the mayor-commissioner is not up for re-election, the mayor-commissioner shall serve as chairperson of the canvassing board. In all other cases, the canvassing board shall select the chairperson of the canvassing board by mutual agreement of the members who are otherwise authorized to serve on such board.

(Ord. No. 2006-31, § 11, 1-8-2007; Ord. No. 2015-01, § 1, 2-10-2015)



Chapter 17

**RESERVED**



Chapter 18

**EMERGENCY MANAGEMENT AND EMERGENCY SERVICES\***

**Article I. In General**

Secs. 18-1—18-18. Reserved.

**Article II. Alarm Systems**

- Sec. 18-19. Definitions.
- Sec. 18-20. Registration.
- Sec. 18-21. Response to alarm.
- Sec. 18-22. False alarm fee.
- Sec. 18-23. Deactivation of alarm.
- Sec. 18-24. Hearing.

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\***State law references**—Municipal Home Rule Powers Act, F.S. ch. 166; emergency management, F.S. ch. 252; emergency powers during riots, etc., F.S. § 870.041 et seq.



**ARTICLE I. IN GENERAL**

**Secs. 18-1—18-18. Reserved.**

**ARTICLE II. ALARM SYSTEMS****Sec. 18-19. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alarm system* means any mechanical, electrical or radio-controlled device which is designed to be used for the detection of any unauthorized entry or existence of fire in a building or structure, whether commercial or residential, or a motor vehicle, and which emits a sound or transmits a signal or message when activated.

*False alarm* means the activation of any alarm signal by an alarm system which is responded to by a law enforcement officer and which is not caused or precipitated by an actual or attempted burglary or other attempted unlawful act or activity, fire, or other emergency reasonably requiring the services of law enforcement personnel. An alarm will be deemed to be valid only if substantial physical evidence exists which would clearly indicate a criminal act or the existence of fire was the reason for activation of the alarm. Alarm systems which activate from simply shaking of doors or rattling of windows are not properly installed or maintained and are deemed to be emitting a false alarm.

*Law enforcement officer* means any police officer of the city or authorized fire department personnel. (Ord. No. 89-1, § 1, 7-10-1989)

**Sec. 18-20. Registration.**

Anyone who shall own or operate an alarm system within the city, whether existing or to be installed in the future, shall, within 30 days of the effective date of the ordinance from which this section is derived or prior to installation of any alarm system after the effective date of the ordinance from which this section is derived, provide to the chief of police the following information:

- (1) The location of the alarm system and the name, address and telephone number of the owner or operator of the alarm system.
- (2) The names, addresses and telephone numbers of at least two persons to be notified in the event of an alarm activation. The named persons must be able to enter the premises and deactivate the alarm system.

(Ord. No. 89-1, § 2, 7-10-1989)

**Sec. 18-21. Response to alarm.**

The owner, operator or listed responder of an alarm system is required to respond to the premises where an alarm has been activated within 30 minutes of being notified by a law enforcement officer. Failure to respond shall be deemed a violation of this article and shall result in a fine as described in section 18-22, assessed against the owner or operator of the alarm system.

(Ord. No. 89-1, § 3, 7-10-1989)

**Sec. 18-22. False alarm fee.**

(a) The first and second false alarms at a given location within any calendar year shall result in a warning being issued to the owner or operator of the alarm system. The chief of police shall maintain a record of said warnings.

(b) The third and any successive false alarms at a given location within any calendar year shall result in the assessment of a fee in the amount established by resolution against the owner or operator of the alarm system for each occurrence.

(Ord. No. 89-1, § 4, 7-10-1989)

**Sec. 18-23. Deactivation of alarm.**

It shall be a violation of this section to maintain an alarm system which does not deactivate within 15 minutes of its activation.

(Ord. No. 89-1, § 5, 7-10-1989)

**Sec. 18-24. Hearing.**

Anyone assessed a fee pursuant to section 18-22 shall, within 15 days of notification, either:

- (1) Pay the fine to the city clerk; or
- (2) Request, in writing, that the city clerk schedule a hearing before the city commission at its next regularly scheduled meeting.

(Ord. No. 89-1, § 6, 7-10-1989)



Chapter 19

**RESERVED**



Chapter 20

**ENVIRONMENT AND NATURAL RESOURCES\***

**Article I. In General**

- Sec. 20-1. Privately-owned water wells generally.
- Sec. 20-2. Water well construction permit.
- Secs. 20-3—20-22. Reserved.

**Article II. Water Conservation Measures and Water Shortage Regulations**

- Sec. 20-23. Intent and purpose.
- Sec. 20-24. Definitions.
- Sec. 20-25. Application of article.
- Sec. 20-26. Amendments to year-round water conservation measures; water shortage plan.
- Sec. 20-27. Applicability of year-round water conservation measures.
- Sec. 20-28. Declaration of water shortage; water shortage emergency.
- Sec. 20-29. Enforcement.
- Sec. 20-30. Penalties.
- Sec. 20-31. Water users to accept provisions of article.

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\*State law reference—Municipal Home Rule Powers Act, F.S. ch. 166.



**ARTICLE I. IN GENERAL****Sec. 20-1. Privately-owned water wells generally.**

No privately-owned water wells will be allowed within the corporate limits of the city unless prior approval is granted by the city manager and a permit is issued. No approval will be granted except in a case where the well will be used solely for watering lawns and gardens, to cool refrigeration units, to heat and/or cool owner's homes, where a person or a member of his immediate family residing at his residence is allergic to chorine or any other chemicals used by the city in the treatment of its water supply, or in cases where the city water supply system is not otherwise available to a property owner. For a permit to be issued for drinking water purposes based solely upon a person being allergic to chlorine or any other chemical used by the city in the treatment of its water supply, a statement from the customer's personal physician shall be required, verifying such claim.

(Ord. No. 99-5, § 1, 4-5-1999)

**Sec. 20-2. Water well construction permit.**

No water well shall be constructed or caused to be constructed within the city limits without first obtaining a permit from the city manager, which permit shall not be issued until evidence of compliance with F.S. ch. 373 and all other applicable laws, rules or regulations of the state has been delivered to the city, including, but not limited to, all requirements of the Suwannee River Water Management District and the county health department.

(Ord. No. 90-1, § 1, 3-5-1990; Ord. No. 99-5, § 2, 4-5-1999)

**Secs. 20-3—20-22. Reserved.****ARTICLE II. WATER CONSERVATION MEASURES AND WATER SHORTAGE REGULATIONS****Sec. 20-23. Intent and purpose.**

It is the intent and purpose of this article to protect the water resources of the city from inefficient use at all times and overutilization during periods of water shortage by assisting the Suwannee River Water Management District in the implementation of its year-round water conservation measures and water shortage plan.

(Ord. No. 2015-02, § 1, 6-9-2015)

**Sec. 20-24. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*District* means the Suwannee River Water Management District.

*Person* means any person, firm, partnership, association, corporation, company or organization of any kind.

*Water resource* means any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds or diffused surface water, and water percolating, standing or flowing beneath the surface of the ground.

*Water shortage condition* means when sufficient water is not available to meet present or anticipated needs of persons using the water resource, or when conditions are such as to require temporary reduction in total water usage within a particular area to protect the water resource from serious harm. A water shortage usually occurs due to drought.

*Water shortage emergency* means that situation when the powers which can be exercised under F.A.C. 40B-21.621 are not sufficient to protect the public health, safety or welfare, or the health of animals, fish or aquatic life, or a public water supply, or commercial, industrial, agricultural, recreational or other reasonable uses.

(Ord. No. 2015-02, § 2, 6-9-2015)

**Sec. 20-25. Application of article.**

The provisions of this article shall apply to all persons using the water resource for lawn irrigation, landscape irrigation and related outdoor water uses such as car washing within the geographical areas determined by the district, whether from publicly- or privately-owned water utility systems, private wells, or private connections with surface water bodies. This article shall not apply to persons using saltwater.

(Ord. No. 2015-02, § 3, 6-9-2015)

**Sec. 20-26. Amendments to year-round water conservation measures; water shortage plan.**

All portions of F.A.C. ch. 40B-21 dealing with lawn irrigation, landscape irrigation and related outdoor water use, as each may be amended from time to time, are incorporated herein by reference as a part of this Code.

(Ord. No. 2015-02, § 4, 6-9-2015)

**Sec. 20-27. Applicability of year-round water conservation measures.**

In the absence of a declaration of a water shortage or water shortage emergency within all or any part of the city by the governing board or the executive director of the district, all lawn irrigation, landscape irrigation, and related outdoor water conservation measures adopted by the district applicable to the city, or any portion thereof, shall be subject to enforcement action pursuant to this section. Any violation of the provisions of F.A.C. ch. 40B-21 or any order issued pursuant thereto shall be a violation of this article.

(Ord. No. 2015-02, § 5, 6-9-2015)

**Sec. 20-28. Declaration of water shortage; water shortage emergency.**

Upon declaration of a water shortage or water shortage emergency within all or any part of the city by the governing board or the executive director of the district, all lawn irrigation, landscape irrigation and related outdoor water shortage restrictions adopted by the district applicable to the city, or any

portion thereof, shall be subject to enforcement action pursuant to this section. Any violation of the provisions of F.A.C. ch. 40B-21 or any order issued pursuant thereto shall be a violation of this article. (Ord. No. 2015-02, § 6, 6-9-2015)

**Sec. 20-29. Enforcement.**

Every police officer or sheriff having jurisdiction in the area governed by this article shall, in connection with all other duties imposed by law, diligently enforce the provisions of this section. In addition, the city manager may also delegate enforcement responsibility for this section to agencies and departments of the city government, in accordance with state and local law. (Ord. No. 2015-02, § 7, 6-9-2015)

**Sec. 20-30. Penalties.**

(a) Violation of any provision of this article shall be subject to the following penalties:

First violation	Verbal warning
Second violation	Formal warning
Third violation	\$25.00
Fourth violation	\$50.00
Fifth and subsequent violations	Fine not to exceed \$500.00 and/or imprisonment in the county jail not to exceed 60 days

(b) Each day in violation of this article shall constitute a separate offense. When a water shortage declaration is not in effect, and during the initial stages of a water shortage or water shortage emergency, enforcement officials may provide violators with no more than one written warning. The city, in addition to the criminal sanctions contained herein, may take any other appropriate legal action, including, but not limited to, emergency injunctive action, to enforce the provisions of this article. (Ord. No. 2015-02, § 8, 6-9-2015)

**Sec. 20-31. Water users to accept provisions of article.**

No water service shall be furnished to any person by a public or private utility unless such person agrees to accept all the provisions of this article. The acceptance of water service shall be, in itself, the acceptance of the provisions thereof. (Ord. No. 2015-02, § 9, 6-9-2015)





Chapter 21

**FLOODS**

**Article I. In General**

Secs. 21-1—21-18. Reserved.

**Article II. Flood Damage Prevention**

Division 1. Generally

- Sec. 21-19. Definitions.
- Sec. 21-20. Statutory authorization.
- Sec. 21-21. Findings of fact.
- Sec. 21-22. Statement of purpose.
- Sec. 21-23. Objectives.
- Sec. 21-24. Method of reducing flood losses.
- Sec. 21-25. Lands to which this article applies.
- Sec. 21-26. Basis for establishing the areas of special flood hazard.
- Sec. 21-27. Designation of administrator.
- Sec. 21-28. Establishment of development permit.
- Sec. 21-29. Compliance.
- Sec. 21-30. Abrogation and greater restrictions.
- Sec. 21-31. Interpretation.
- Sec. 21-32. Warning and disclaimer of liability.
- Sec. 21-33. Penalties for violation.
- Secs. 21-34—21-54. Reserved.

Division 2. Administration

- Sec. 21-55. Permit procedures.
- Sec. 21-56. Duties and responsibilities of the floodplain management administrator.
- Sec. 21-57. Designation of variance and appeals board.
- Sec. 21-58. Duties of variance and appeals board.
- Sec. 21-59. Variance procedures.
- Sec. 21-60. Conditions for variances.
- Sec. 21-61. Variance notification.
- Sec. 21-62. Historic structures.
- Sec. 21-63. Special conditions.
- Sec. 21-64. Structures in regulatory floodway.
- Secs. 21-65—21-86. Reserved.

Division 3. Flood Hazard Reduction

- Sec. 21-87. General standards.
- Sec. 21-88. Specific standards.
- Sec. 21-89. Standards for streams without established base flood elevation and floodways.
- Sec. 21-90. Standards for streams with established base flood elevation without regulatory floodways.
- Sec. 21-91. Standards for AO and AH Zones.

## TRENTON CODE

- Sec. 21-92. Standards for subdivision proposals.
- Sec. 21-93. Coastal high hazard areas.
- Sec. 21-94. Critical facilities.

**ARTICLE I. IN GENERAL**

**Secs. 21-1—21-18. Reserved.**

**ARTICLE II. FLOOD DAMAGE PREVENTION****DIVISION 1. GENERALLY****Sec. 21-19. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory structure (appurtenant structure)* means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

*Addition (to an existing building)* means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

*Appeal* means a request for a review of the floodplain management administrator's interpretation of any provision of this article or a request for a variance.

*Area of shallow flooding* means a designated AO or AH Zone on the community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard* means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year (also called the 100-year flood and the regulatory flood). The term "base flood" is used throughout this article.

*Base flood elevation* means the highest water surface elevation associated with the base flood.

*Basement* means that portion of a building having its floor sub-grade (below ground level) on all sides.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

*Building.* See *Structure*.

*Coastal high hazard area* means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The coastal high hazard area is designated on the FIRM as Zone V1 through V30, VE, or V.

*Critical facility* means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

*Development* means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

*Elevated building* means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

*Encroachment* means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

*Existing construction* means any structure for which the start of construction commenced before final reading and passage of the ordinance from which this article is derived, as set forth below.

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community before final reading and passage of the ordinance from which this article is derived, as set forth below.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood boundary and floodway map (FBFM)* means the official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

*Flood hazard boundary map (FHBM)* means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

*Flood insurance rate map (FIRM)* means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood insurance study (FIS)* means the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FHBM (where applicable) and the water surface elevation of the base flood.

*Floodplain* means any land area susceptible to flooding.

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

*Floodplain management administrator* means the individual appointed to administer and enforce the floodplain management regulations.

*Floodplain management regulations* means this article and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in floodprone areas. The term "floodplain management regulations" describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Floodway fringe* means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

*Freeboard* means a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management.

*Functionally dependent facility* means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term "functionally dependent facility" does not include long-term storage, manufacture, sales, or service facilities.

*Hardship (as related to variances of this article)* means the exceptional hardship that would result from a failure to grant the requested variance. The board of commissioners requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

*Highest adjacent grade* means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a building.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic place or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

*Increased cost of compliance (ICC)* means the cost to repair a substantially or repetitively flood-damaged building that is required to bring it into compliance with the requirements of this article. ICC coverage is provided for in every standard NFIP flood insurance policy.

*Lowest adjacent grade* means the lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the nonelevation design standards of this article.

*Manufactured home* means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Market value* means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

*Mean sea level* means the average height of the sea for all stages of the tide. The term "mean sea level" is used as a reference for establishing various elevations within the floodplain. For the purposes of this article, the term "mean sea level" is synonymous with National Geodetic Vertical Datum (NGVD).

*National Geodetic Vertical Datum (NGVD)*, as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

*New construction* means any structure for which the start of construction commenced on or after final reading and passage of the ordinance from which this article is derived, as set forth below. The term "new construction" also includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance from which this article is derived.

*Obstruction* includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

*Public safety and nuisance* means anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

*Recreational vehicle* means a vehicle that is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Regulatory floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Repetitive loss* means flood-related damages sustained by a structure on two separate occasions during a ten-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

*Special flood hazard area (SFHA)* (see *Area of special flood hazard*) means an area having special flood hazard and shown on a FHBM or FIRM as Zone A, AO, A1 through A30, AE, A99, AH, V1 through V30, VE, or V.

*Start of construction* (for other than new construction or substantial improvements under the Coastal Barrier Resources Act P. L. 97-348) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The term "actual start" means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure* means all walled and roofed buildings, including gas or liquid storage tanks and manufactured homes that are principally above ground.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term "substantial damage" also means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term "substantial improvement" also includes structures that have incurred substantial damage or repetitive loss, regardless of the actual repair work performed. The term "substantial improvement" does not, however, include any repair or improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for permit for improvement and which are the minimum necessary to assure safe living conditions. This includes any combination of repairs, reconstruction, rehabilitation, addition, alteration, or other improvements to a building taking place during the life of the building or 50-year period, in which the cumulative cost of such improvements equals or exceeds 50 percent of the market value of the building either:

- (1) Before the improvement is started; or
- (2) In case of substantial damage, before the damage occurred.

For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.



*Substantially improved existing manufactured home parks or subdivisions* means a repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads which equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

*Variance* means a grant of relief from the requirements of this article, which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship.

*Violation* means the failure of a structure or other development to be fully compliant with this article. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this article is presumed to be in violation until such time as that documentation is provided.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

*Watercourse* means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. The term "watercourse" includes specifically designated areas in which substantial flood damage may occur.  
(Ord. No. 2004-15, art. 2, 12-13-2004)

**Sec. 21-20. Statutory authorization.**

The state legislature has, pursuant to F.S. ch. 166, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the board of commissioners does hereby adopt the following floodplain management regulations.  
(Ord. No. 2004-15, art. 1, § A, 12-13-2004)

**Sec. 21-21. Findings of fact.**

(a) The flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.  
(Ord. No. 2004-15, art. 1, § B, 12-13-2004)

**Sec. 21-22. Statement of purpose.**

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights and velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage throughout their intended life span;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ord. No. 2004-15, art. 1, § C, 12-13-2004)

**Sec. 21-23. Objectives.**

The objectives of this article are to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, roadways, and bridges and culverts located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood blight areas; and
- (7) Ensure that potential homebuyers are notified that property is in a flood hazard area.

(Ord. No. 2004-15, art. 1, § D, 12-13-2004)

**Sec. 21-24. Method of reducing flood losses.**

In order to accomplish its purposes, this article includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage throughout their intended life span;

- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
  - (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
  - (5) Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards in other areas.
- (Ord. No. 2004-15, art. 1, § E, 12-13-2004)

**Sec. 21-25. Lands to which this article applies.**

This chapter shall apply to all areas of special flood hazard within the zoning and building code jurisdiction of the board of commissioners.

(Ord. No. 2004-15, art. 3, § A, 12-13-2004)

**Sec. 21-26. Basis for establishing the areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in the flood insurance study (FIS) for the city, if any, with the accompanying maps and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this article.

(Ord. No. 2004-15, art. 3, § B, 12-13-2004)

**Sec. 21-27. Designation of administrator.**

The board of commissioners hereby appoints the city manager to administer and implement the provisions of this article and is herein referred to as the flood damage prevention ordinance administrator, the floodplain ordinance administrator, the floodplain management administrator, or the administrator.

(Ord. No. 2004-15, art. 3, § C, 12-13-2004)

**Sec. 21-28. Establishment of development permit.**

A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

(Ord. No. 2004-15, art. 3, § D, 12-13-2004)

**Sec. 21-29. Compliance.**

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations.

(Ord. No. 2004-15, art. 3, § E, 12-13-2004)

**Sec. 21-30. Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 2004-15, art. 3, § F, 12-13-2004)

**Sec. 21-31. Interpretation.**

In the interpretation and application of this article all provisions shall be:

- (1) Considered as minimum requirements;
  - (2) Liberally construed in favor of the governing body; and
  - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- (Ord. No. 2004-15, art. 3, § G, 12-13-2004)

**Sec. 21-32. Warning and disclaimer of liability.**

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the board of commissioners or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. 2004-15, art. 3, § H, 12-13-2004)

**Sec. 21-33. Penalties for violation.**

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 60 days, or both, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the floodplain management administrator from taking such other lawful actions as are necessary to prevent or remedy any violation.

(Ord. No. 2004-15, art. 3, § I, 12-13-2004)

**Secs. 21-34—21-54. Reserved.**

## DIVISION 2. ADMINISTRATION

**Sec. 21-55. Permit procedures.**

Application for a development permit shall be made to the floodplain management administrator on forms furnished by him prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of

the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) *Application stage.*
  - a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
  - b. Elevation in relation to mean sea level to which any nonresidential building will be floodproofed;
  - c. Certificate from a registered professional engineer or architect that the nonresidential floodproofed building will meet the floodproofing criteria in sections 21-88(2) and 21-91(2); and
  - d. Description of the extent to which any watercourse will be altered or relocated as result of proposed development.
- (2) *Construction stage.* Upon placement of the lowest floor, or floodproofing by whatever construction means, it shall be the duty of the permit holder to submit to the floodplain management administrator a certification of the NGVD elevation of the lowest floor or floodproofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. (The floodplain management administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(Ord. No. 2004-15, art. 4, § A, 12-13-2004)

**Sec. 21-56. Duties and responsibilities of the floodplain management administrator.**

Duties of the administrator shall include, but are not limited to:

- (1) Review all development permits to ensure that the permit requirements of this article have been satisfied;
- (2) Advise permittee that additional federal, state, or local permits may be required, and if such additional permits are necessary, require that copies of such permits be provided and maintained on file with the development permit;
- (3) Notify adjacent communities, the state NFIP coordinator, and other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;
- (4) Ensure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved buildings, in accordance with section 21-55(2);
  - (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been floodproofed, in accordance with section 21-55(2);
  - (7) Review certified plans and specifications for compliance;
  - (8) Interpret the exact location of boundaries of the areas of special flood hazard. When there appears to be a conflict between a mapped boundary and actual field conditions, the floodplain management administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this division;
  - (9) When base flood elevation data or floodway data have not been provided in accordance with section 21-26, the floodplain management administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of division 3 of this article; and
  - (10) Coordinate all change requests to the FIS and FIRM or FBFM, or both, with the requester, state, and FEMA.
- (Ord. No. 2004-15, art. 4, § B, 12-13-2004)

**Sec. 21-57. Designation of variance and appeals board.**

The board of commissioners designates itself as the board to hear variances and appeals and shall hear and decide appeals and requests for variances from the requirements of this article.

(Ord. No. 2004-15, art. 6, § A, 12-13-2004)

**Sec. 21-58. Duties of variance and appeals board.**

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the floodplain management administrator in the enforcement or administration of this article. Any person aggrieved by the decision of the board may appeal such decision to the circuit court of the eighth judicial circuit, in and for the county, as provided in F.S. ch. 26.

(Ord. No. 2004-15, art. 6, § B, 12-13-2004)

**Sec. 21-59. Variance procedures.**

In acting upon such applications, the board of commissioners shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger of life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;

- (5) The necessity to the facility of a waterfront location, where applicable;
  - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (7) The compatibility of the proposed use with existing and anticipated development;
  - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (10) The expected heights, velocity, duration, rate of rise, and sediment of transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (Ord. No. 2004-15, art. 6, § C, 12-13-2004)

**Sec. 21-60. Conditions for variances.**

- (a) Variances shall only be issued when there is:
    - (1) A showing of good and sufficient cause;
    - (2) A determination that failure to grant the variance would result in exceptional hardship; and
    - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (b) Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this article.
  - (c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (see section 21-61).
  - (d) Variances shall not be granted after-the-fact.
  - (e) The floodplain management administrator shall maintain the records of all appeal actions and report any variances to the federal emergency management agency or the state department of community affairs upon request (see section 21-61).
- (Ord. No. 2004-15, art. 6, § D, 12-13-2004)

**Sec. 21-61. Variance notification.**

(a) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
- (2) Such construction below the base flood level increases risks to life and property.

(b) A copy of the notice shall be recorded by the floodplain management administrator in the official records in the office of the clerk of the circuit court in and for the county and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land. A true copy shall also be retained in the official records of the city as a permanent record.

(c) The floodplain management administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

(Ord. No. 2004-15, art. 6, § E, 12-13-2004)

**Sec. 21-62. Historic structures.**

Variances may be issued for the repair or rehabilitation of historic structures, meeting the definition in this article, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure.

(Ord. No. 2004-15, art. 6, § F, 12-13-2004)

**Sec. 21-63. Special conditions.**

Upon consideration of the factors listed in sections 21-57 through 21-64, and the purposes of this article, the board of commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

(Ord. No. 2004-15, art. 6, § G, 12-13-2004)

**Sec. 21-64. Structures in regulatory floodway.**

Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result.

(Ord. No. 2004-15, art. 6, § H, 12-13-2004)

**Secs. 21-65—21-86. Reserved.****DIVISION 3. FLOOD HAZARD REDUCTION****Sec. 21-87. General standards.**

In all areas of special flood hazard the following provisions shall apply:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;



- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
  - (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
  - (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
  - (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
  - (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
  - (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
  - (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this article shall meet the requirements of new construction as contained in this article; and
  - (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this article, shall be undertaken only if said nonconformity is not furthered, extended, or replaced.
- (Ord. No. 2004-15, art. 5, § A, 12-13-2004)

**Sec. 21-88. Specific standards.**

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in section 21-26, the following provisions shall apply:

- (1) *Residential construction.* New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than two feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate automatic equalization of flood hydrostatic forces on both sides of the exterior walls shall be provided in accordance with standards of subsection (3) of this section.
- (2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial, or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than two feet above the base flood elevation. Buildings located in all A Zones may be floodproofed in lieu of being elevated, provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are

watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 21-56.

- (3) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    2. The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and
    3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions.
  - b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
  - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(Note: A building in a SFHA, as stated above, can never be elevated less than two feet above the highest adjacent grade (HAG), as defined in section 21-19, without a letter of map correction being issued first. The insurance rates for post FIRM buildings in these areas drop drastically after five feet of elevation. A building elevated to seven feet above the HAG, maintains an uninhabitable space below the lowest floor and a space usable for parking, storage, and access. It also is provided with a high level of flood damage protection for a flood condition that is virtually unknown. In all cases, it is recommended that, unless it is required to produce a BFE for all development, the local attorney be consulted regarding culpability and liability for utilizing default values for unknown hazardous conditions.)

- (4) *Standards for manufactured homes and recreational vehicles.*
- a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufac-

- ured home park or subdivision or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
    - 1. The lowest floor of the manufactured home is elevated no lower than two feet above the base flood elevation.
    - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the grade.
    - 3. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
    - 4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, any manufactured home placed or substantially improved must meet the standards of subsection (4)b.1 and 3 of this section.
  - c. All recreational vehicles placed on sites must either:
    - 1. Be on the site for fewer than 180 consecutive days;
    - 2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
    - 3. Meet all the requirements for new construction, including anchoring and elevation requirements of subsections (4)a or b.1 and 3 of this section.
- (5) *Floodways.* Located within areas of special flood hazard established in section 21-26, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and have significant erosion potential, the following provisions shall apply:
- a. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
  - b. If subsection (5)a of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this division.
  - c. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision

provided the anchoring standards of section 21-87(2) and the elevation standards of subsection (1) of this section and the encroachment standards of subsection (5)a of this section are met.

(Ord. No. 2004-15, art. 5, § B, 12-13-2004)

**Sec. 21-89. Standards for streams without established base flood elevation and floodways.**

Located within the areas of special flood hazard established in section 21-26, where streams exist for which no base flood elevation data or regulatory floodway has been provided designated by the Federal Emergency Management Agency, the following provisions shall apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with section 21-26, the administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of this division. When such base flood elevation data is utilized:
  - a. Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures;
  - b. Obtain, if the structure has been floodproofed in accordance with the requirements of section 21-88(2), the elevation in relation to the mean sea level to which the structure has been floodproofed; and
  - c. Maintain a record of all such information with the official designated in section 21-27.
- (2) Notify, in riverine situations, adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
- (3) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (4) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- (5) When the data is not available from any source as in subsection (1) of this section, the lowest floor of the structure shall be elevated to no lower than two feet above the highest adjacent grade.

(Ord. No. 2004-15, art. 5, § C, 12-13-2004)

**Sec. 21-90. Standards for streams with established base flood elevation without regulatory floodways.**

(a) Located within the areas of special flood hazard established in section 21-26, where streams exist for which base flood elevation data has been provided by the Federal Emergency Agency without the delineation of the regulatory floodway, the following provisions shall apply.

(b) Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1 through 30 and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the city.

(c) Development activities in Zones A1 through 30, AE, and AH, on the city's FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies, with the city's endorsement, for a conditional FIRM revision, and receives the approval of the Federal Emergency Management Agency.  
(Ord. No. 2004-15, art. 5, § D, 12-13-2004)

**Sec. 21-91. Standards for AO and AH Zones.**

(a) Located within the areas of special flood hazard established in section 21-26 are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the flood insurance rate map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
- (2) All new construction and substantial improvements of nonresidential structures shall:
  - a. Have the lowest floor, including basement, elevated to or above the flood depth specified on the flood insurance rate map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or
  - b. Together with attendant utility and sanitary facilities be completely floodproofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per section 21-88(2).

(b) In Zones AO and AH, zones require drainage paths around structures on slopes to guide water away from structures.

(Ord. No. 2004-15, art. 5, § E, 12-13-2004)

**Sec. 21-92. Standards for subdivision proposals.**

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.

(Ord. No. 2004-15, art. 5, § F, 12-13-2004)

**Sec. 21-93. Coastal high hazard areas.**

Located within areas of special flood hazard areas established in section 21-26 are coastal high hazard areas, designated as Zones V1 through V30, VE, or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this article, the following provisions shall also apply:

- (1) All new construction and substantial improvements in Zones V1 through V30 and VE (V if base flood elevation is available) shall be elevated on pilings or columns so that:
  - a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and
  - b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one-percent annual chance).
- (2) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsection (1) of this section.
- (3) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones VI through V30 and VE. The floodplain management administrator shall maintain a record of all such information.
- (4) All new construction shall be located landward of the reach of mean high tide.
- (5) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds

per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- a. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
  - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any give year.
- (6) The enclosed space below the lowest floor shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.
  - (7) Prohibit the use of fill for structural support of buildings. When fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.
  - (8) Prohibit manmade alteration of sand dunes and mangrove stands that would increase potential flood damage.
  - (9) All manufactured homes to be placed or substantially improved within Zones VI through V30, V, and VE on the city's FIRM on sites meeting the standards of subsections (1) through (8) of this section and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1 through V30, V, and VE on the FIRM meet the requirements of section 21-88(4)a and b, if they are located:
    - a. Outside of a manufactured home park or subdivision;
    - b. In a new manufactured home park or subdivision;
    - c. In an expansion to an existing manufactured home park or subdivision; or
    - d. In an existing manufactured home park or subdivision in which a manufactured home has incurred substantial damage as the result of a flood.
  - (10) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of this section, and the elevation standards of subsection (1) of this section and the encroachment standards of this section are met.
  - (11) Recreational vehicles placed on sites within Zones V1 through V30, V, and VE on the community's FIRM shall either:
    - a. Be on the site for fewer than 180 consecutive days;

- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - c. Meet the requirements of sections 21-55, 21-88 and 21-93.
- (Ord. No. 2004-15, art. 5, § G, 12-13-2004)

**Sec. 21-94. Critical facilities.**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA), preferably outside the two percent annual chance floodplain. Construction of new critical facilities may be permissible within the SFHA if no feasible alternative sites are unavailable. Critical facilities constructed within the SFHA shall have the lowest floor elevated three or more feet above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

(Ord. No. 2004-15, art. 5, § H, 12-13-2004)



Chapter 22

**MANUFACTURED HOMES AND TRAILERS\***

**Article I. In General**

Secs. 22-1—22-18. Reserved.

**Article II. Pre-Inspection of Used Mobile Homes and Building Move-Ons**

- Sec. 22-19. Definitions.
- Sec. 22-20. Requirements for pre-inspection of used mobile homes and building move-on (residential and commercial).
- Sec. 22-21. Requirement for affidavit.
- Sec. 22-22. Pre-inspection report.
- Sec. 22-23. Application fee.

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\*State law reference—Municipal Home Rule Powers Act, F.S. ch. 166.



**ARTICLE I. IN GENERAL**

**Secs. 22-1—22-18. Reserved.**

**ARTICLE II. PRE-INSPECTION OF USED MOBILE HOMES AND BUILDING MOVE-ONS****Sec. 22-19. Definitions.**

The definitions of words used in this chapter shall be the same as the definitions found in F.S. ch. 320, and specifically those definitions found in F.S. §§ 320.01 and 320.822.

(Ord. No. 2000-11, § 1, 10-9-2000)

**Sec. 22-20. Requirements for pre-inspection of used mobile homes and building move-on (residential and commercial).**

(a) Each category of used mobile homes is required to be inspected and noted as "in compliance" or "not in compliance" by either a state-certified contractor or state-registered contractor, meeting the requirements of the county construction industry licensing board, or a state-licensed inspector. All contractors or inspectors may only certify those categories in which they hold valid licenses or certifications. Building permits must be issued for the mobile home or move-on.

(b) No move-on permits for used mobile homes will be issued until all categories have been inspected and signed by said contractors or inspectors. The applicant must provide, on a pre-inspection form, proof the applicant has either:

- (1) Title to the mobile home;
- (2) A bill of sale with guarantee of title for the mobile home; or
- (3) Registration to the mobile home in his own name.

(c) The county building department will make the pre-inspection for used mobile home move-on requests on any approved site on behalf of the city as its building inspector. The county building department, acting on behalf of the city, may, after inspection of the used mobile home, require certain improvements to be made to the used mobile home before it may be occupied. These conditions for occupancy shall be made in writing to the applicant by the county building department acting on behalf of the city within five days of the inspection. The mobile home may be placed in the city if the applicant has agreed in writing to the conditions listed by the county building department acting on behalf of the city. The applicant shall set forth in an affidavit accompanying the code compliance permit that the applicant shall comply with all conditions on the list of conditions given the applicant by the county building department acting on behalf of the city before permitting the used mobile home to be occupied.

(d) The applicant shall purchase a code compliance permit for a fee to cover the costs of said pre-inspection.

(e) If a pre-inspection of the used mobile home reveals deficiencies, but is deemed repairable, a remodel and repair permit shall be required if located in the city. This determination will be addressed in the summary at the end of the checklist. If it is determined that a remodel and repair permit is required,

the applicant is subject to all necessary inspections to ensure code compliance and shall be required to obtain said permit prior to beginning the work. Remodeling and repair permits are valid for no more than 90 days. A remodeling and repair permit does not constitute the issuance of a move-on permit.

(f) The applicant must have a tag or execute an affidavit that the mobile home will be assessed as real property.

(g) Nothing in this section may be construed to permit a recreational vehicle, as defined in F.S. § 320.01, or used recreational vehicle to be used as a dwelling unit in the city.  
(Ord. No. 2000-11, § 2, 10-9-2000)

**Sec. 22-21. Requirement for affidavit.**

Each applicant for a pre-inspection must complete an affidavit form, a copy of which is attached to Ordinance No. 2000-11 as Exhibit 1 and adopted as a part of this article by reference thereto. The applicant shall also provide in the affidavit that he is aware of the requirements to have the used mobile home installed by a licensed mobile home installer, licensed pursuant to F.S. § 320.8249, and has been made aware of the requirements imposed by the city pursuant to F.S. § 320.8285 and the city land development regulations for the placement of a used mobile home on a parcel in the city.  
(Ord. No. 2000-11, § 3, 10-9-2000)

**Sec. 22-22. Pre-inspection report.**

A pre-inspection report of a used mobile home or building move-on must accompany each request for a permit to place or relocate a used mobile home or for a building move-on in the city. This report shall be completed on a form designated by the county building department acting on behalf of the city and approved by the county coordinator.  
(Ord. No. 2000-11, § 4, 10-9-2000)

**Sec. 22-23. Application fee.**

A fee in the amount established by resolution shall accompany every application for a pre-inspection of a used mobile home or building move-on.  
(Ord. No. 2000-11, § 5, 10-9-2000)

Chapter 23

**RESERVED**



Chapter 24

**NUISANCES\***

**Article I. In General**

Secs. 24-1—24-18. Reserved.

**Article II. Lot Cleaning and Maintenance**

- Sec. 24-19. Definitions.
- Sec. 24-20. Duty to maintain private property.
- Sec. 24-21. Exterior storage of non-operating vehicles.
- Sec. 24-22. Enforcement of article.
- Secs. 24-23—24-47. Reserved.

**Article III. Mosquito Control**

- Sec. 24-48. Breeding places for mosquitoes—Prohibited.
- Sec. 24-49. Breeding places for mosquitoes—Enumerated.
- Sec. 24-50. Breeding places for mosquitoes—Treatment of breeding places.
- Sec. 24-51. Prohibited conditions on premises—Declared nuisance.
- Sec. 24-52. Prohibited conditions on premises—Failure to abate.
- Sec. 24-53. Prohibited conditions on premises—Person responsible defined.

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\***State law references**—Municipal Home Rule Powers Act, F.S. ch. 166; public nuisances, F.S. ch. 823; sanitary nuisances, F.S. § 386.01 et seq.





**ARTICLE I. IN GENERAL**

**Secs. 24-1—24-18. Reserved.**

**ARTICLE II. LOT CLEANING AND MAINTENANCE****Sec. 24-19. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Junk*, in addition to those items specifically set forth in the definition of "nuisance" hereof, means any litter, debris, waste materials of any kind, dead or decaying vegetation or vegetative refuse, used and non-functional furniture and appliances, dilapidated mobile homes in an uninhabitable condition, and used and non-functional tools, equipment and implements.

*Nuisance* means any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises is located. This includes, but is not limited to, the keeping or the depositing on or the scattering over the premises of any of the following:

- (1) Lumber, construction materials, junk, trash or debris;
- (2) Abandoned, discarded or unused objects or equipment such as vehicles, furniture, stoves, iceboxes, refrigerators, deep-freeze lockers, clothes washers, clothes dryers, other air-tight container units, cans or containers, used tires, automobiles, and machinery or machinery parts. For the purpose of this subsection, any automobile or vehicle which contains a current registration certificate and a valid Florida license tag shall be presumed not to be an abandoned, partially dismantled, non-operating, wrecked or junked vehicle. Additionally, any vehicle or automobile in a fully enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city shall not be deemed to be a nuisance under this subsection;
- (3) Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects; or untreated or improperly treated human waste, garbage, offal, dead animals, or dangerous waste materials from manufacturing processes harmful to human or animal life and air pollutants and gases, and noisome odors which are harmful to human or animal life;
- (4) Improperly built or maintained septic tanks, water closets or privies, or any other unsanitary matter or any deleterious or septic material, unless such material is retained in containers or vessels as authorized by proper governmental authorities of the state and which deny access to humans, flies, insects, rodents and animals;
- (5) Any animals or fowl, including horses, cattle, goats, hogs, sheep, swine, poultry, ducks, geese, turkeys, guineas, snakes, mice, rodents, or any other such animal, reptile or fowl, or any dangerous or diseased animal, reptile or fowl not so controlled, contained or kept in a

substantial pen, coop or other enclosure, so as to be allowed to run at large in the city upon the highways, streets or other public places or upon the private property of others, and not being otherwise located in a proper and lawful zoning category within the city;

- (6) Junk, as more particularly described in this section; and
- (7) All abandoned and uninhabited houses, sheds, buildings, storage buildings or similar structures which are unsafe, unsanitary, unfit for human habitation, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation or obsolescence. However, for the purpose of this section, any house or other structure which has current, operable electrical service connected thereto shall be presumed to not be abandoned, and the provisions of the Ordinance No. 93-1, as amended, shall apply as may be appropriate.

*Property* means any real property within the city, which is not a street or highway, whether public or private.

*Street* or *highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

*Vehicle* means a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons, and similar equipment.

(Ord. No. 2006-27, § 1, 1-8-2007; Ord. No. 2007-45, § 1, 10-1-2007)

**Sec. 24-20. Duty to maintain private property.**

No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, as defined in this section, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

(Ord. No. 2006-27, § 2, 1-8-2007; Ord. No. 2007-45, § 2, 10-1-2007)

**Sec. 24-21. Exterior storage of non-operating vehicles.**

No person in charge of or in control of a premises, whether as an owner, lessee, tenant, occupant or otherwise, shall allow a partially dismantled, wrecked, junked, discarded or otherwise non-operating vehicle to remain on such property longer than ten days. No person shall leave any such vehicle on any property within the city for a longer time than ten days, except that this section shall not apply with regard to any vehicle in an enclosed building, or any vehicle that contains a current registration certificate and current license tag, nor shall this section apply with regard to any vehicle on the premises of a business enterprise operated in a lawful manner other than in a residential district, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise, nor with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city or any other public agency or entity or private enterprise.

(Ord. No. 2006-27, § 3, 1-8-2007; Ord. No. 2007-45, § 3, 10-1-2007)

**Sec. 24-22. Enforcement of article.**

Enforcement of this article may be accomplished by the city in the manner as provided in this section or as described in subsection (3) of this section hereof, including, but not limited to, use of the city code enforcement officer, and in addition, any person who, by reason of another person's violation of any provision of this chapter, suffers special damage to himself, different from that suffered by other property owners throughout the city generally, may bring an action to enjoin or otherwise abate an existing violation.

(1) *Notice of noncompliance.*

- a. If the code enforcement officer finds and determines at any time that a nuisance as described in this article exists, the officer or other designated city official shall so notify the record owner of the property in writing and demand that the owner cause the condition to be remedied in accordance with the provisions of this chapter. The notice shall provide that if the demand to remedy the condition is not complied with within 30 days of the date of the notice, the land as described in the notice may be cleared by the city and the cost thereof will constitute a lien against the land so benefited. The notice shall be given by registered or certified mail, addressed to the owner of the property described, as his name and address is shown on the latest ad valorem tax records of the county property appraiser, and shall be deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage pre-paid. In the event that the notice is returned by postal authorities, the code enforcement officer shall cause a copy of the notice to be served by the sheriff or law enforcement officer, city police officer, code inspector or other person designated by the local governing body upon the occupant of the property or upon any agent of the owner thereof. In the event that personal service upon the occupant of the property or upon any agent of the owner thereof cannot be performed after reasonable search, the notice shall be accomplished by physically posting the notice upon the property. The notice shall be in substantially the following form:

NOTICE

Date:

Name of Owner:

Address of Owner:

Our records indicate that you are the owner of the following described property in Gilchrist County, Florida:

[PROPERTY DESCRIPTION]

Upon inspection of your property on [date], the following condition was found which causes the property to be in violation of City of Trenton Ordinance No. 2007-07. The violation is described as follows:

[DESCRIPTION OF VIOLATION]

You are hereby notified that unless the condition described above is remedied so that it no longer violates City of Trenton Ordinance No. 2007-07, within 30 days from the date of

this notice, the City of Trenton will proceed to remedy the unlawful conditions and the cost of the work and other incidental expenses will be billed to the owner of the property. These costs will be imposed as a lien on the property if not paid within 30 days after receipt of the bill.

CITY OF TRENTON, FLORIDA

by: \_\_\_\_\_

[Code Enforcement Officer]

- b. The owner may appeal the notice by filing a written request for hearing within 30 days after mailing, serving, or posting of the notice, as set forth in this chapter. The written request for hearing shall be filed with the city clerk. The board of adjustment shall hear the appeal at its next regularly scheduled meeting, and the owner shall be notified in writing of the time and place of the hearing. At the hearing, the city and the property owner may introduce such evidence as deemed necessary.

(2) *Effect of failure to abate after notice.*

- a. Upon failure of any such person owning, leasing, occupying or having charge of any premises to remove or abate any nuisance found to be existing upon the premises within the time period provided in subsection (1) of this section, the code enforcement officer is hereby authorized to issue an appropriate notice of code violation and to otherwise proceed with the prosecution of the complaint through use of the code enforcement hearing officer system which has been duly enacted and established by the city. Alternatively, the board of commissioners at its discretion is hereby authorized to seek an injunction enjoining the alleged nuisance and proceed through prosecution of the complaint through a court of competent jurisdiction as it may deem to be necessary and appropriate.
- b. As an additional remedy available to the city, after 30 days from mailing, serving or posting of the notice, whichever occurs last, and the failure of any such person owning, leasing, occupying or having charge of any premises to remove or abate any nuisance found to be existing upon the premises, if no response has been received by the owner of the premises and the condition described in the notice has not been remedied, the code enforcement officer may request that the condition be remedied by the board of commissioners at the expense of the property owner. The cleaning or clearing of the property may be performed, at the option of the city, by either the city or by service contract for the city. Any articles of property removed through the cleaning or clearing of any lot, track or parcel of land by the city may be destroyed or sold for salvage and the salvage value, if any, of such article shall be retained by the board of commissioners to be applied against the cost of removal and destruction thereof. If a hearing has been held and concluded adversely to the property owner, the code enforcement officer may cause the condition to be remedied by the city at the expense of the property owner. After causing the condition to be remedied, the code enforcement officer shall certify to the city clerk the expense incurred in remedying the condition, which shall include any incidental expenses, whereupon such expenses shall become payable within 30 days, after which a lien for unpaid

expenses will be made upon the property, which lien shall be in favor of the city and shall be payable with interest at the legal rate from the time of such certification until paid; providing, however, that no such lien shall become effective until 15 days after notice thereof shall be published in a newspaper of general circulation, which notice shall state the name and the address of the last known owner as shown on the county tax records, the description of the property, the amount of the assessment, and the date of service on the property. The cost of such publication shall be added to the amount of such assessment and lien. Notice of such lien shall be filed in the office of the clerk of the circuit court and recorded among the public records of the county. Such lien shall be prior to all other liens except taxes and shall be of equal dignity with special assessments made for other public purposes. The owner of the assessed property shall be personally liable for the amount of the assessment and the cost of collection provided for in this article. The city may bring action to foreclose the lien if not paid.

(3) *Additional enforcement and penalty for violation of article.*

- a. This article may also in the alternative be enforced pursuant to F.S. ch. 162, pt. I (F.S. § 162.01 et seq.) known as the Local Government Code Enforcement Boards Act, by use of a special magistrate. The special magistrate is authorized to conduct hearings of alleged violations of this chapter upon request of the code enforcement officer, and shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with power granted, including the authority to impose a fine pursuant to F.S. ch. 162. A fine imposed pursuant to F.S. ch. 162 shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation, and, in addition, may include all costs of repair, and all costs incurred in prosecuting the case, as authorized by F.S. ch. 162. However, if the special magistrate finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation.
- b. Alternatively, the city shall not be prohibited from enforcing this chapter by any other lawful means as it may determine to be necessary and proper including, but not limited to, seeking injunctive relief and/or damages or abatement through a court of competent jurisdiction.

(Ord. No. 2006-27, § 3, 1-8-2007; Ord. No. 2007-45, § 4, 10-1-2007)

**Secs. 24-23—24-47. Reserved.**

**ARTICLE III. MOSQUITO CONTROL**

**Sec. 24-48. Breeding places for mosquitoes—Prohibited.**

It shall be unlawful for any person to have, keep, maintain, cause or permit within the police limits of the city any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding.

(Code 1959, § 15-11)

**Sec. 24-49. Breeding places for mosquitoes—Enumerated.**

Collections of water in which mosquitoes breed or are likely to breed are those contained in ditches, ponds, pools, excavations, holes, depressions, open cesspools, privy vaults, septic tanks, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks or flush closets, or other similar water containers or depressions in lots where water is allowed to remain. The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there.

(Code 1959, § 15-12)

**Sec. 24-50. Breeding places for mosquitoes—Treatment of breeding places.**

Collections of water in which mosquitoes breed or are likely to breed shall be treated by such of the following methods as shall be approved by the health officer:

- (1) Screening with wire netting of at least 16 meshes to the inch each way, or any other material which will effectually prevent the ingress or egress of mosquitoes.
- (2) Complete emptying every seven days of unscreened containers, together with their thorough drying or cleaning.
- (3) Using a larvicide approved and applied under the direction of the health officer.
- (4) Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito-destroying fish.
- (5) Filling or draining to the satisfaction of the health officer.
- (6) Proper disposal, by removal or destruction, of tin cans, tin boxes, broken or empty bottles, and similar articles likely to hold water.

(Code 1959, § 15-13)

**Sec. 24-51. Prohibited conditions on premises—Declared nuisance.**

Any premises within the city which shall be maintained by the owner without complying with the provisions of this chapter, are hereby declared to be public nuisances; and it shall be the duty of the city to inspect the premises within the city, and whenever it shall find or locate premises, the owners of which are not complying with the provisions of this chapter, the city shall notify the owner to promptly place the premises in good condition, and to comply with the terms hereof.

(Code 1959, § 15-14)

**Sec. 24-52. Prohibited conditions on premises—Failure to abate.**

Whenever any owner of property within the city shall be notified by the city to place his premises in a good and safe condition under the terms and provisions of this chapter, and such owner shall fail to do so within ten days after receipt of such notice, the city shall go upon the premises and place the same in

a good, safe condition, and charge the cost thereof to the owner of the property, and the cost of placing the premises in good condition is hereby declared to be a lien upon the property, enforceable by the same method and manner as the enforcement of tax liens of the city.

(Code 1959, § 15-15)

**Sec. 24-53. Prohibited conditions on premises—Person responsible defined.**

The person responsible for the condition of any premises is the person using or occupying such premises. In case no person is using or occupying the premises, the person who by law is entitled to the immediate possession of such premises is responsible. In case the premises is used or occupied by two or more tenants of a common landlord, or from grounds appurtenant to a house occupied by two or more tenants of a common landlord, then the landlord shall be responsible. Each tenant, however, is responsible for that part of the premises which he occupies to the exclusion of the other tenants. In case the premises is occupied by a tenant under a yearly or monthly tenancy, or under a lease for not more than a year, or under any lease whereby the lessor is expressly or impliedly obligated to keep the premises in repair, and the collection of standing or flowing water in which mosquitoes breed or are likely to breed is owing to the disrepair of the building, or to any natural quality of the premises, or to any condition that existed at the time when the tenant entered into possession, or to anything done on the premises by the landlord during the existence of the tenancy or lease, then in such case, the landlord is the person responsible.

(Code 1959, § 15-16)





Chapter 25

**RESERVED**



Chapter 26

**OFFENSES AND MISCELLANEOUS PROVISIONS\***

- Sec. 26-1. State misdemeanors.
- Sec. 26-2. Regulation of firearms and ammunition.
- Sec. 26-3. Discharge of air guns, etc.
- Sec. 26-4. Storing of rubbish, automobiles, etc.
- Sec. 26-5. Posting bills, etc.
- Sec. 26-6. Littering.

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\*State law reference—Municipal Home Rule Powers Act, F.S. ch. 166.



**Sec. 26-1. State misdemeanors.**

It shall be unlawful to commit, within the limits of the city, any act which is or shall be recognized by the laws of the state as a misdemeanor. The commission of any such act in the city shall be considered a violation of the laws of the city.

(Code 1959, § 12-36)

**Sec. 26-2. Regulation of firearms and ammunition.**

(a) All city ordinances, or parts of ordinances to the extent of any such conflict only, which regulate or attempt to regulate firearms and ammunition, including, without limitation, the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage and transportation thereof, are hereby repealed to the extent they so regulate or attempt to so regulate.

(b) All other city rules and/or regulations, regardless of the name or designation given them, which regulate or attempt to regulate firearms and ammunition, including, without limitation, the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage and transportation thereof are hereby declared to be void to the extent they so regulate or attempt to so regulate, to the extent of any such conflict only.

(c) All city officers and officials are hereby authorized and directed to immediately and forever cease any enforcement of any part of a city ordinance, rule or regulation which regulates or attempts to regulate firearms and ammunition, including, without limitation the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage and transportation thereof.

(d) Notwithstanding anything else herein to the contrary, the following ordinances, rules and regulations shall not be deemed repealed or voided and shall be enforced by city officials. These ordinances and regulations are:

- (1) Zoning ordinances that encompass firearms businesses along with other businesses, except that zoning ordinances that are designed for the purpose of restricting or prohibiting the sale, purchase, transfer or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with F.S. § 790.33 and are repealed.
- (2) Except as provided in F.S. § 790.251, any regulations which regulate or prohibit the carrying of firearms and ammunition by a city employee during and in the course of the employee's official duties, to the extent that state law does not preempt this authority and allows such regulations and policy by the city.

(Ord. No. 2011-05, §§ 1—5, 10-11-2011)

**State law reference**—Preemption of firearms and ammunition ordinances, F.S. § 780.33.

**Sec. 26-3. Discharge of air guns, etc.**

It shall be unlawful for any person to discharge any air gun or slingshot in the city. The provisions of this section do not apply to:

- (1) Persons exercising their legal right of self-defense or defense or others.

- (2) Law enforcement officers, members of the armed forces of the United States and members of the National Guard while engaged in official duties as such.

(Code 1959, § 12-7)

**Sec. 26-4. Storing of rubbish, automobiles, etc.**

No owner of property within the city shall permit the storage upon the property of rubbish, old cans, old automobiles or parts of automobiles, or any other material so that the premises in times of windstorm danger shall exist of materials being blown therefrom to other portions of the city and thereby endangering the lives and safety of the inhabitants of the city.

(Code 1959, § 15-9)

**Sec. 26-5. Posting bills, etc.**

It shall be unlawful for any person to post any bills or other advertising matter upon any permanent or temporary structure or building, pole or tree located in any street, park or other public way or place within the corporate limits of the city.

(Code 1959, § 3-7)

**Sec. 26-6. Littering.**

It shall be unlawful for any person to throw, sweep, place or deposit any garbage, trash, rubbish, weeds or filth of any kind on any sidewalk, street or alley or upon any vacant lot or into or upon the premises of any other person or into any waters of the city or upon the banks thereof, within the corporate limits of the city.

(Code 1959, § 14-8; Ord. No. 1984-01, § 1, 3-12-1984)

**State law reference**—Florida Litter Law, F.S. § 403.413.

Chapter 27

**RESERVED**





Chapter 28

**PARKS AND RECREATION\***

**Article I. In General**

Secs. 28-1—28-18. Reserved.

**Article II. Public Conduct in Parks**

- Sec. 28-19. Operating hours.
- Sec. 28-20. Alcoholic beverages.
- Sec. 28-21. Fires.
- Sec. 28-22. Animals.
- Sec. 28-23. Littering.
- Sec. 28-24. Use of building, tables, chairs, etc.
- Sec. 28-25. Injury or destruction of property.
- Sec. 28-26. Improper use of toilets and urinals.
- Sec. 28-27. Permits.
- Sec. 28-28. Conflict with chapter 34.

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\*State law reference—Municipal Home Rule Powers Act, F.S. ch. 166.



**ARTICLE I. IN GENERAL**

**Secs. 28-1—28-18. Reserved.**

**ARTICLE II. PUBLIC CONDUCT IN PARKS****Sec. 28-19. Operating hours.**

(a) The area commonly known as the Trenton Community Center and Park and any other public parks now or hereafter owned by the city are hereby declared off-limits and closed to the public from the hours of 10:00 p.m. until 7:00 a.m. each day.

(b) It shall be unlawful for any person to assemble, park a vehicle or otherwise be present on the land as described in subsection (a) of this section hereof between the hours of 10:00 p.m. and 7:00 a.m. of each and every day.

(Ord. No. 2001-07, §§ 1, 2, 9-3-2001)

**Sec. 28-20. Alcoholic beverages.**

It shall be unlawful and prohibited activity for any person to possess any alcoholic beverage while in any public park property owned by the city.

(Ord. No. 2001-07, § 3, 9-3-2001)

**Sec. 28-21. Fires.**

It shall be unlawful for any person to build any bonfire in any public park property owned by the city. However, charcoal, electric, and gas grills, smokers or other similar cooking devices shall be allowed.

(Ord. No. 2001-07, § 4, 9-3-2001)

**Sec. 28-22. Animals.**

It shall be unlawful for any person to bring dogs, cats, animals or other pets into any public parks owned by the city, except for such organized festivals or events approved by the city in advance which have animal attractions as a part of the pre-approved event or activity, and except for any animal authorized by law to assist the disabled.

(Ord. No. 2001-07, § 5, 9-3-2001)

**Sec. 28-23. Littering.**

It shall be unlawful for any person to throw, place, deposit, sweep, or scatter or cause to be thrown, placed, deposited, swept or scattered, any paper, food, trash, fruit peeling or other refuse or garbage in any park owned by the city, except for disposal in authorized receptacles and garbage or trash cans.

(Ord. No. 2001-07, § 6, 9-3-2001)

**State law reference**—Florida Litter Law, F.S. § 403.413.

**Sec. 28-24. Use of building, tables, chairs, etc.**

It shall be unlawful for any person to use or occupy buildings, tables, chairs or other property situated in or on the public parks owned by the city, other than for the purposes for which the property was constructed and placed in and intended to be used in the parks.

(Ord. No. 2001-07, § 7, 9-3-2001)

**Sec. 28-25. Injury or destruction of property.**

It shall be unlawful to injure or destroy any of the buildings, tables, chairs, playground equipment or other property situated in or on the public parks.

(Ord. No. 2001-07, § 8, 9-3-2001)

**State law reference**—Criminal mischief, F.S. § 806.13.

**Sec. 28-26. Improper use of toilets and urinals.**

It shall be unlawful for any person to throw, place or deposit paper, cigarettes, cigars or other substances of such nature in the toilets and urinals in the buildings at public parks.

(Ord. No. 2001-07, § 9, 9-3-2001)

**Sec. 28-27. Permits.**

The city commission may issue a permit to hold an advertised function during the hours prohibited herein, provided prior arrangements have been concluded with law enforcement to protect both the community and the people using the center, park, and any other city property. Said permit shall comply with the requirements of chapter 34, pertaining to taxation.

(Ord. No. 2001-07, § 10, 9-3-2001)

**Sec. 28-28. Conflict with chapter 34.**

In the event of any conflicts with chapter 34, pertaining to taxation, chapter 34 shall control.

(Ord. No. 2001-07, § 11, 9-3-2001)

Chapter 29

**RESERVED**



Chapter 30

**SOLID WASTE\***

- Sec. 30-1. Levy of garbage collection fees.
- Sec. 30-2. Customers required to utilize uniform containers for hand collection pick-up.
- Sec. 30-3. Penalties for violation.

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\***State law references**—Municipal Home Rule Powers Act, F.S. § 703.702 et seq.; local government solid waste responsibilities, F.S. § 403.706; Florida Litter Law, F.S. § 403.413.





**Sec. 30-1. Levy of garbage collection fees.**

There is hereby imposed and levied upon users of services provided by the city, fees for the collection of garbage in the amounts established by resolution.

(Ord. No. 2019-03, §§ 1, 5, 9-23-2019)

**Sec. 30-2. Customers required to utilize uniform containers for hand collection pick-up.**

Each customer of the city's garbage service, both residential and commercial, are hereby required to utilize 96-gallon uniform containers for all residential and commercial hand collection pick-up, and such containers shall be provided to the customer by the garbage contractor for the city. No other type of container shall be allowed, utilized or placed for hand collection pick-up by the city garbage contractor.

(Ord. No. 2019-03, § 2, 9-23-2019)

**Sec. 30-3. Penalties for violation.**

Any person violating or refusing to comply or to pay the fee levied shall be penalized by the city discontinuing all services to such person or the property of such person, firm or corporation, until all back payments are made in full and the account is brought to a current status. Upon any such default, the city shall also require a deposit equal to the estimated average of 1½ months for such service, or payment in advance at the option of the city, where the owner or occupant has refused or failed to pay for such services within 30 days after the same becomes due. Additionally, the city may refer any violation of this chapter to its code enforcement officer for enforcement proceedings through the city code enforcement board system, or the city may, at its option, discontinue any other utility service to the customer until compliance with this chapter.

(Ord. No. 2019-03, § 3, 9-23-2019)



Chapter 31

**RESERVED**



Chapter 32

**STREETS, SIDEWALKS AND OTHER PUBLIC PLACES\***

- Sec. 32-1. Definitions.
- Sec. 32-2. Obstructing streets generally; digging holes, etc.
- Sec. 32-3. Large tree limbs, stumps, industrial waste, etc.
- Sec. 32-4. Excavations in streets.
- Sec. 32-5. Erection and lighting of barricades.
- Sec. 32-6. Building materials.
- Sec. 32-7. Vendors' stands.
- Sec. 32-8. Congregating on streets, sidewalks and parks.
- Sec. 32-9. Placing banners, etc., across streets.
- Sec. 32-10. Streets, damaging; travel on while closed or under repair prohibited; penalty.
- Sec. 32-11. Obstruction and encroachments on public streets.
- Sec. 32-12. Damage to trees and shrubs.
- Sec. 32-13. Abatement and removal required.
- Sec. 32-14. Penalties.

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\***State law references**—Municipal Home Rule Powers Act, F.S. ch. 166; city street system designated, F.S. § 334.03(3).



**Sec. 32-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Block* means a space, usually rectangular in shape, enclosed by streets and usually occupied by or intended for buildings.

*Main Street* means that thoroughfare presently designated as U.S. Highway 129/State Road 49 which runs generally in a northerly and southerly direction in the city.

*Map of city streets* means the most recent map showing the municipal boundaries of the city and the then-existing streets within the municipal boundaries on file and of record at the city hall.

*Parks* means those areas within the city owned by the municipality which are open for public usage and enjoyment by the public. The term "parks" shall also include those areas acquired by the city for public usage and enjoyment in the future.

*Principal street* means any thoroughfare which crosses either Main Street or State Road 26, or any thoroughfare which does not cross either Main Street or State Road 26 but is in alignment with another thoroughfare existing in the city, or any thoroughfare which is at least two blocks in length. This meaning shall be used only for the purpose of this chapter.

*Secondary street* means any thoroughfare which does not cross Main Street or Wade Street, and which is not in alignment with any other thoroughfare elsewhere in the city. This meaning shall be used only for the purpose of this chapter.

*Street* means any thoroughfare in the city and shall also include the entire public right-of-way for such street.

*Wade Street* means that thoroughfare designated as State Road 26 from the east city limits to the west city limits. This meaning shall be used only for the purpose of this chapter.  
(Ord. No. 2001-01, § 1, 3-5-2001)

**Sec. 32-2. Obstructing streets generally; digging holes, etc.**

It shall be unlawful for any person to place or construct any fence or building or other obstruction upon or over, or otherwise obstruct, all or any part of any street, avenue, alley, lane or sidewalk, or other public ground of the city, or to dig any hole in any street, sidewalk or other public highway, street or grounds of the city, without the written consent of the city manager.  
(Ord. No. 2001-01, § 2, 3-5-2001)

**Sec. 32-3. Large tree limbs, stumps, industrial waste, etc.**

Large tree limbs, tree butts, stumps, logs, plaster, earth, construction debris, industrial waste or other matter in bulk shall not be placed or caused to be placed by any person in the streets of the city or along the rights-of-way adjacent to the street.  
(Ord. No. 2001-01, § 3, 3-5-2001)

**Sec. 32-4. Excavations in streets.**

(a) No excavations shall be made in any of the streets of the city for the purpose of laying gas, water or sewer pipes therein or for any other purpose, until the plans therefor have been submitted to and approved by the city manager.

(b) Where the excavations are to be made in any hard-surfaced streets, all excavations and replacements of surfacing material or paving may be done by the city, at its discretion, at the cost of the person desiring to lay the piping or doing other work therein unless waived by the city manager. The city manager shall make an estimate of the cost of the work before the same is done, and in all cases, the person desiring the doing of the work shall deposit with the clerk/city manager the amount of money necessary to cover the estimated cost before the performance of the work shall be commenced. Upon the completion of the work, the city manager shall file an itemized statement of the cost of the work with the city, and where the same is less than the amount deposited therefor, the balance shall be returned to the person paying the same. In the event the cost is more than estimated, the additional cost shall be paid by the person desiring the work be done.

(Ord. No. 2001-01, § 4, 3-5-2001)

**Sec. 32-5. Erection and lighting of barricades.**

Any person carrying on or doing any construction, excavation or repair work in any street or part of a street in the city pursuant to a permit from the city council shall erect and maintain proper, safe and sufficient barricades, and during that period of time between one-half hour after sunset and one-half hour before sunrise shall maintain sufficient lights or flares around such barricades, work or excavations to warn persons of the presence of such excavations and work and to prevent injury to persons and property.

(Code 1959, § 20-2)

**Sec. 32-6. Building materials.**

Building material for buildings in the process of construction may be deposited on the streets of the city if a permit is first obtained from the city manager and if it is placed in such a manner as not to prevent the passage of vehicles. If the material obstructs the passage of vehicles, it shall be the duty of the chief of police or any police officer to remove the same at the cost of the owner.

(Ord. No. 2001-01, § 5, 3-5-2001)

**Sec. 32-7. Vendors' stands.**

It shall be unlawful for any person to display, keep or maintain any stand, article or item of personal property, whether for sale, advertising or other purpose, on any of the streets or sidewalks of the city, or within 50 feet of the main entrance to any public building in the city during normal operating hours for that building, without first obtaining a permit from the city manager. This section does not apply to a vending booth properly permitted under chapter 34, article II.

(Ord. No. 2001-01, § 6, 3-5-2001)



**Sec. 32-8. Congregating on streets, sidewalks and parks.**

(a) *Permit required.* It shall be unlawful for persons to assemble or congregate in crowds in such numbers as to block the use of any sidewalk or street of the city, or any public park, without a permit from the city manager or his designee, issued pursuant to this section.

(b) *Permit application.* At least ten days prior to the date for which a permit is requested, an application shall be filed with the city manager. This time limit may be shortened to as little as two business days by the city manager or his designee, based upon proof that, through no fault of the applicant, the timing of the event is based on an unexpected occurrence related to the purpose of the event, the application was submitted as soon as practicable and the event or activity for which the permit is filed will be rendered impossible or substantially ineffective if the event is delayed. The application shall include or be accompanied by the following:

- (1) Complete information as to the type of event or activity planned, the date and time, the expected number of participants, the expected duration, and the desired location or route, along with any factors particularly affecting the choice of location or route; and
- (2) A fee to cover the cost of processing the application in the amount established by resolution.

(c) *Granting or denial of permit.*

- (1) *Granting of permit; time; considerations.* The city manager or designee shall grant the requested permit within five business days of receipt of the application, or within one business day of receipt of an application asking for waiver of the ten-day prior notice requirement, if the event or activity for which it is requested will not:
  - a. Unreasonably interfere with the flow of vehicular or pedestrian traffic, such as when alternative routes for such traffic are unavailable or impractical;
  - b. Unreasonably deny access to any properties or areas of the city by either vehicular or pedestrian traffic;
  - c. Cause imminent danger or health hazard to any person and will not damage any public or private property; and
  - d. Create an unreasonable demand upon the city's emergency services personnel and equipment, so as to cause potential deficiencies in such services.
- (2) *Use of state or federal road.* If the permit includes the closure of one or more state or federal roads, the city manager or his designee shall send the necessary paperwork to the state department of transportation within five days of receipt of the application, or within one business day of receipt of an application requesting a waiver of the ten-day requirement.
- (3) *Denial of permit.* If the city manager or his designee finds the planned event or activity violates any of the above conditions, he shall inform the applicant that the permit will not be granted and request the city attorney apply to the circuit court for the county for an order enjoining the applicant and other interested persons from conducting the planned event or activity.

(d) *Permit conditions.*

- (1) In granting a permit, the city manager or his designee shall specifically limit same as to date and time, location, and duration. In addition, the city manager or his designee may attach conditions to the validity of the permit if such conditions are, in his opinion, reasonably necessary for the event or activity to meet the criteria specified in the preceding subsection (c) of this section. Such conditions may include, but are not limited to:
  - a. The conduct of all or any part of the event or activity at a location or on a route, either public or private, other than the location or route requested;
  - b. A change in the date, time or duration from that requested;
  - c. The barricading of street intersections and the provision of identified monitors at such barricades;
  - d. The posting of a bond, cash deposit or other security, not to exceed \$500.00, to cover any damage to public property and the cost of extraordinary cleaning or maintenance expenses caused by the conduct of the event or activity on public property; and
  - e. Prepayment and damage deposits for any city equipment necessary to be used in connection with the event or activity and city services required therefor.
- (2) The applicant may petition the circuit court of the county for review of the conditions placed on the permit. The court shall hear the appeal de novo without a jury, receive evidence and, based upon the evidence presented, shall make findings and order that the permit be granted either upon the terms requested or conditions stated by the court, or enjoin the holding of the event or activity if there is a reasonable likelihood that it will substantially harm the public health or safety and this cannot be avoided by the imposition of conditions on the permit.

(e) *City services and equipment; cost.* If any city services are reasonably necessary for the conduct of the event or activity, such as police officers to redirect traffic (over the number of officers who would normally be on duty and available in the area) or utilities service, the city manager shall require payment by the applicant for such services. The city manager may allow the use of any city equipment or city employees for any such event or activity, and the reasonable reimbursement cost therefor shall be pre-paid to the city by the applicant. For any such activity or event in which the city officially participates, and for others when directed by the city commission, such costs and reimbursement for services and equipment shall be waived.

(f) *Revocation of permit.* Once a permit has been issued, it may be revoked by the city manager or his designee for any violation of the terms and conditions thereof. Any permit may also be revoked by the city manager or his designee, or by any city police officer on the scene, at any time that the event or activity permitted becomes or creates a condition dangerous to the health or safety of any person or otherwise fails to meet the criteria specified in subsection (c) of this section. At any time that a permit is revoked during the event or activity for which the permit was issued, a police officer shall announce the fact of the revocation to persons assembled for the event or activity.

(g) *Dispersal of persons.* Persons assembling or congregating in violation of this section, either without a permit or after a permit has been revoked, shall disperse after being ordered to do so by any police officer. Failure to so disperse shall also be a violation of this chapter.

(Ord. No. 2001-01, § 8, 3-5-2001)

**Sec. 32-9. Placing banners, etc., across streets.**

It shall be unlawful for any person to extend any banner or canvas sign across any public street, park or other way of the city without first having obtained permission from the city.

(Code 1959, § 3-8)

**Sec. 32-10. Streets, damaging; travel on while closed or under repair prohibited; penalty.**

It shall be unlawful for any person in the city to damage, destroy or cut into any paved street by any vehicle or other equipment. When a street is closed or under repair, all persons except persons making such repairs, are prohibited from traveling thereon.

(Ord. No. 11-64, § 1(12-36.1), 11-27-1964)

**Sec. 32-11. Obstruction and encroachments on public streets.**

It shall be unlawful for any person to close, obstruct or encroach upon, under any pretense, any of the squares, streets or sidewalks of the city, provided nothing herein contained shall be so construed as to prevent merchants and others in receiving and delivering their goods and wares in the usual manner, or prevent the erection of scaffolds and ladders or storing material for the purpose of building and repairing.

(Code 1959, § 20-4)

**Sec. 32-12. Damage to trees and shrubs.**

It shall be unlawful for any person to cut, destroy or injure any of the trees growing in or upon any of the public squares or streets of the city, provided nothing herein contained shall be so construed as to prevent the city from trimming or removing the same at its discretion.

(Code 1959, § 20-5)

**Sec. 32-13. Abatement and removal required.**

All encroachments or obstructions on any public street or public property of the city are hereby declared to be nuisances and shall be abated and removed in accordance with law at the discretion of the board of commissioners.

(Ord. No. 2001-01, § 8, 3-5-2001)

**Sec. 32-14. Penalties.**

Any violations of the provisions of this chapter or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with granting of permits, shall constitute an offense.

(Ord. No. 2001-01, § 9, 3-5-2001)



Chapter 33

**RESERVED**



Chapter 34

**TAXATION\***

**Article I. In General**

- Sec. 34-1. Local communications services tax.  
Secs. 34-2—34-20. Reserved.

**Article II. Business Tax**

- Sec. 34-21. Levy of tax; receipt required; issued by clerk.  
Sec. 34-22. Transfer; fee.  
Sec. 34-23. Durations; due dates; half-year licenses.  
Sec. 34-24. Delinquency; penalty.  
Sec. 34-25. Business tax schedule.  
Sec. 34-26. Gambling and lotteries; zoning violations; not authorized.  
Sec. 34-27. Temporary use permits.  
Secs. 34-28—34-57. Reserved.

**Article III. Utility Tax**

- Sec. 34-58. Definitions.  
Sec. 34-59. Purchase of electricity, metered natural, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled and water service; levy of tax; amount; payment generally of tax.  
Sec. 34-60. Purchase of fuel oil; levy of tax; amount; payment generally of tax.  
Sec. 34-61. Collection generally and disposition of tax; discontinuance of service upon failure of purchaser to pay tax and seller's charge.  
Sec. 34-62. Exemptions and exclusions from payment of tax.  
Sec. 34-63. Computation of tax when seller collects the price thereof in monthly periods.  
Sec. 34-64. Records to be kept by seller; general administration audit plan for enforcement of chapter; authority of city to audit such records.  
Sec. 34-65. Interest and penalties for late payments and late returns.  
Sec. 34-66. Costs incurred in pursuit of tax or information as a result of a violation of any of the sections of this chapter.  
Sec. 34-67. Incorporation herein of relevant portions of F.S. ch. 166.  
Sec. 34-68. Seller's unremitted tax liability.

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\*State law reference—Municipal finance and taxation, F.S. § 166.201 et seq.





**ARTICLE I. IN GENERAL****Sec. 34-1. Local communications services tax.**

Pursuant to F.S. § 202.19, there is hereby levied a discretionary communications service tax in the amount of 5.1 percent.

(Ord. No. 2001-06, §§ 1, 2, 7-2-2001)

**Secs. 34-2—34-20. Reserved.****ARTICLE II. BUSINESS TAX\*****Sec. 34-21. Levy of tax; receipt required; issued by clerk.**

(a) There is hereby levied a business tax in the amounts set out in this article for the privilege of engaging in or managing any business, profession or occupation within the city on the following:

- (1) Any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any business within its jurisdiction;
- (2) Any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any profession or occupation within its jurisdiction; and
- (3) Any person who does not qualify under the provisions of subsection (a)(1) or (2) of this section and who transacts any business or engages in any occupation or profession within the city in interstate commerce where such license tax is not prohibited by Section 8, Article 1 of the United States Constitution.

(b) No person shall engage in or manage any business, occupation or profession for which there is business tax required by this article or any other article of the city, unless such person shall first procure a business tax receipt to conduct the same from the city clerk.

(c) All business tax receipts shall be signed by the city clerk and shall be upon forms furnished by the city commission.

(d) No business tax receipt shall be issued unless the federal employer identification number or Social Security number is obtained from the person to be licensed.

(Ord. No. 2002-4, § 1, 5-6-2002)

**State law reference**—Municipal levy of local business tax, F.S. § 205.042.

**Sec. 34-22. Transfer; fee.**

(a) All business tax receipts may be transferred to a new owner when there is a bona fide sale of the business upon payment of a transfer fee in the amount established by resolution and presentation of evidence of the sale and the original license.

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**\*State law reference**—Local Business Tax Act, F.S. ch. 205.

(b) Upon written request and presentation of the original business tax receipt, any business tax receipt may be transferred from one location to another location in the same municipality upon payment of a transfer fee in the amount established by resolution.

(Ord. No. 2002-4, § 2, 5-6-2002)

**State law reference**—Transfer fees, F.S. § 205.042(2), (3).

**Sec. 34-23. Durations; due dates; half-year licenses.**

No business tax receipt shall be issued for longer than one year. All business tax receipts shall expire on September 30 and shall be due and payable on October 1 and before October 31 of each year unless otherwise specifically provided by law. Half-year business tax receipts may be issued by the city clerk under the provisions of this article for the period of April 1 to September 13, upon payment of one-half of the tax fixed as the amount of such tax for one year.

(Ord. No. 2002-4, § 3, 5-6-2002)

**State law reference**—Due dates, F.S. § 205.053.

**Sec. 34-24. Delinquency; penalty.**

(a) Those business tax receipts not renewed by September 30 shall be considered delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent for each month of delinquency thereafter until paid; provided, however, that the total delinquency penalty shall not exceed 25 percent of the business tax for the delinquent establishment.

(b) Any person engaging in or managing any business, occupation or profession without first obtaining a business tax receipt, if required hereunder, shall be subject to a penalty of 25 percent of the business tax determined to be due, in addition to any other penalty provided by law or ordinance.

(Ord. No. 2002-4, § 4, 5-6-2002)

**State law reference**—Delinquencies, F.S. § 205.053.

**Sec. 34-25. Business tax schedule.**

The following business taxes shall be assessed and collected annually, unless otherwise provided, on the following businesses, occupations and professions:

<i>Business Tax Schedule</i>	
Abstract companies, agents, firms or persons engaged in the business of making abstracts of title from public records	\$30.00
Adding machines, business machines and other office equipment, dealers in or agents for	\$30.00
Advertising *(see also Bill posters):	
Each person advertising on streets with banners, floats, cartoons, exhibitions, megaphones or other means when no vehicle is used	\$30.00
Same as above when vehicle is used	\$30.00
Card directories	\$30.00
Advertising schemes and devices not otherwise provided for, each device	\$30.00

<i>Business Tax Schedule</i>	
Any person engaged in the business of outdoor advertising, such as painted walls, bulletins, spectacular electric displays, etc.:	\$30.00
For first sign	\$30.00
For each additional sign	\$10.00
(Provided, however, that this license tax is not intended to include signs advertising any business when painted by a licensed sign painter and duly authorized pursuant to the existing land development regulations)	
Agents, firms, associations or corporations distributing circulars, pamphlets or other advertising matter, except those paying a city license and advertising their own goods and merchandise, not including bill posting	\$30.00
Agents, firms or associations or other persons engaged in the business of bill posting	\$30.00
Persons acting as advertising agents or writing advertisements for profit	\$30.00
Aerial devices. Constructing or advertising aerial devices, kites, balloons or other similar exhibitions for which a charge is made, each exhibit	\$30.00
Agencies. Agency or any other business not specifically mentioned except such licenses as may hereafter be authorized by the city	\$30.00
Amusements, not otherwise covered by ordinance, which shall include indoor baseball and any other lawful indoor sport	\$30.00
Architects, each	\$30.00
Artificial stone manufacturers and dealers in tiling, terra cotta, marble, granite, etc., or agent therefor	\$30.00
Artists or photographers	\$30.00
Astrologers	\$30.00
Auctioneers	\$30.00
Auction houses	\$30.00
Auditing companies	\$30.00
Auditors or accountants, each	\$30.00
Automobiles *(see also Tire retreading and vulcanizing shops):	
Automobile storage	\$30.00
Automobile accessories (same as merchant)	\$30.00
Automobile repair shops	\$30.00
Automobile and/or truck dealers, provided that the operation or establishment of one automobile and/or truck display lot shall be permitted under this license, and provided, further, that any such lots in excess of one shall be required to have the additional license required under this section	\$30.00
Bakeries, wholesale or retail	\$30.00
Banks or bankers	\$30.00
Barbershops	\$30.00
Beauty parlors	\$30.00
Bicycles. Dealer in bicycles and supplies, including repair shop	\$30.00

<i>Business Tax Schedule</i>	
(Provided, that if the stock of bicycle supplies does not exceed 20 percent of the common stock carried, then the same may be sold under merchant's license)	
Bill posters, *agents, firms, or persons engaged in the business of bill posting other than by painting signs (see also Advertising)	\$30.00
Boats, builders	\$30.00
Bonds or investments (see also Brokers). Agents for selling or offering for sale stocks or bonds which are to mature by the payment of installments or otherwise	\$30.00
Bookkeeping, income tax services	\$30.00
Bottling works, bottling soda, mineral water, soft drinks, or drinking water	\$30.00
Bowling alleys	\$30.00
Boxing contests (see Exhibitions)	—
Brokers (see also Bonds or investments):	
Merchandise	\$30.00
Stocks and bonds	\$30.00
Brokers, dealers in grain, cotton or stock on margin	\$30.00
Real estate (per each broker, agent or salesperson)	\$30.00
Lumber	\$30.00
Builders and construction companies (see Contractors)	—
Builders' supplies. Dealers in, including doors, sash and blinds, oils, mantels, lime, cement, etc. (but this shall not include factories manufacturing sash, doors, blinds, or novelty works)	\$30.00
Building and loan associations or loan companies	\$30.00
Business machines (see Office equipment)	—
Blacksmiths or welding	\$30.00
Butcher shops	\$30.00
Cabinet shops	\$30.00
Canning factories	\$30.00
Carnivals/carnival companies, each day	\$30.00
Carpet and rug cleaning establishments	\$30.00
Carts, push, for fruit, etc. (see Fruit stands)	—
Chiropodists	\$30.00
Cigar factories	\$30.00
Circuses (see Shows)	—
Civil engineers (see Engineer, civil)	—
Clairvoyants	\$30.00
Clothing	\$30.00
Clothiers, transient agents for non-resident tailors	\$30.00
Coin-operated devices, amusement machines such as pin ball and other games, except where such machines are owned and operated on the premises of a licensed merchant, proof of ownership required (see Music machines and merchandise machines), per machine	—

<i>Business Tax Schedule</i>	
Cold storage, other than ice factories	\$30.00
Collection agencies for the collection of rents or accounts other than real estate agencies paying no other license tax to the city	\$30.00
Commission merchants	\$30.00
Contractors. Persons, firms or corporations holding themselves out as regular contractors as a business, shall pay the license as follows:	
Paper hanging, house and sign painting, including inside painting	\$30.00
Paving and sidewalks	\$30.00
Plumbing	\$30.00
Electrical	\$30.00
House moving	\$30.00
General contractors	\$30.00
Contractors or builders erecting or constructing on percentage basis shall pay the same license as provided for all contractors. All others not otherwise specified in this section shall pay a license of	\$30.00
Crate mills or container manufacturers	\$30.00
Dance halls, each	\$30.00
Day care centers	\$30.00
Dentists, each	\$30.00
Directories, city, county or state; each person making or offering for sale	\$30.00
Divine healers	\$30.00
Doors, sash, blinds, etc., manufacturers	\$30.00
Dry cleaners and dyers (see also Laundries)	\$30.00
Agents	\$30.00
Drugstores	\$30.00
Dry goods	\$30.00
Electrical supplies	\$30.00
Electric utility companies	\$30.00
Employment agencies	\$30.00
Engineers, civil, each	\$30.00
Equipment rentals	\$30.00
Exhibitions, freak or other curiosity, for profit	\$30.00
Wrestling or boxing and other similar exhibitions or matches, for each exhibition or match not having a regular license under amusements	\$30.00
Express companies, doing business in the city, not to include business done by the companies between the city and other points outside of the state, having places of business within the corporate limits	\$30.00
Exterminators, insects, etc.	\$30.00
Feed, seed, hay and grain, retail or wholesale	\$30.00
Fertilizer:	
Dealers in	\$30.00

<i>Business Tax Schedule</i>	
Manufacturers of	\$30.00
Fish or meat markets	\$30.00
Florists	\$30.00
Fortunetellers or palmists	\$30.00
Fruit and vegetable stands when operated by push cart or portable or movable stand or from vehicle (at option of vendor):	
Per day	\$5.00
Annually	\$30.00
Fruit dealers, wholesale, including packing houses	\$30.00
Funeral directors, embalmers or undertakers	\$30.00
Furniture dealers (same as merchants)	\$30.00
Garages, storage, each location	\$30.00
Gas, liquefied petroleum or other gases used for fuel, dealers in and/or installers of fittings and appliances for the use of	\$30.00
No licenses shall be issued to an applicant to engage in the businesses set out above in this item until such applicant shall have provided the city clerk with satisfactory evidence that the applicant has complied with the laws of the state with reference to the bond or public liability requirements for persons licensed by the state to carry on the business of selling liquefied petroleum gas or making installations for the use of same. For the purpose of this item, the definition of liquefied petroleum gas is the same as the definition set out in state statutes.	
Gasoline filling stations, each	\$30.00
Groceries (same as Merchant)	—
Guaranty or surety companies and agents therefor	\$30.00
Gunsmiths, including sporting goods	\$30.00
Hardware (same as Merchants)	—
Health spas	\$30.00
Hotels, taverns, boardinghouses, or motels, each	\$30.00
Hypnotists	\$30.00
Ice cream:	
Manufacturing for sale for consumption on other than premises	\$30.00
Peddlers, each person or vehicle (at option of vendor):	
Per day	\$5.00
Annually	\$30.00
Ice cream and/or soda fountains when not connected and licensed with other business	\$30.00
Insurance:	
Each insurance company writing life, fire, accident, health, public liability, indemnity, motor vehicle, industrial or other type or form of insurance within the corporate limits of the city, and either represented by local traveling or itinerant agents or representatives, per year	\$30.00

<i>Business Tax Schedule</i>	
Insurance agents or firms doing an insurance business as agents or representatives of insurance companies for each place of business, per year	\$30.00
Each traveling or itinerant insurance agent soliciting business within the corporate limits of the city, per year	\$30.00
Investigators, private, each	\$30.00
Investment agents (see Bonds or investments)	—
Itinerants (see also Peddlers):	
Any person whomsoever operating in the city, telescopes or other devices for the purpose of gazing at the stars or other heavenly bodies, who shall make a charge	\$30.00
Merchants and vendors, any person, either principal or agent, temporarily engaged in the sale of goods, wares and merchandise and occupying any building or structure for the same	\$30.00
Industrial plants, general	\$30.00
Jewelry repair shops and watch makers	\$30.00
Junk dealers, including dealers in scrap or old iron, brass, copper or any other metal, waste cotton, or any articles of any kind, unless for their original purpose	\$30.00
Laundries (see also Dry cleaners and dyers):	
Located outside the city and doing business in the city	\$30.00
Located and doing business in the city	\$30.00
Lawyers, each	\$30.00
Liquor dealers, wholesale	\$30.00
Locksmiths, each	\$30.00
Lumber:	
Brokers (see Brokers)	—
Dealers who buy and sell lumber, dealers in sawed lumber and dealers in staves, shingles, etc., for each place (see Builder's supplies)	—
Sawmill yards, or novelty works (see Sawmills)	—
Lunch stands, portable or moveable	\$30.00
Machine shops	\$30.00
Machinery, dealers in, or agents therefor	\$30.00
Manicurists	\$30.00
Manufacturers not otherwise provided for	\$30.00
Masseurs, masseuses, and massage therapists (properly licensed by the state)	\$30.00
Meat markets	\$30.00
Meat processing	\$30.00
Medicines, proprietary or medical ointments, manufacturers of, other than drug-stores	\$30.00
Merchandise machines, coin-operated, except where such machines are owned and operated on the premises of a licensed merchant. Proof of ownership required (see Coin-operated devices and music machines), per machine	\$5.00
Merchant tailors	\$30.00

<i>Business Tax Schedule</i>	
Merchants, storekeepers or druggists, wholesale or retail, having permanent place of business (see also Multi-purpose)	\$30.00
Midwives	\$30.00
Milk:	
Retail, each vehicle	\$30.00
Depots, milk alone	\$30.00
Millinery, not in connection with other business	\$30.00
Money lenders other than banks or loan companies	\$30.00
Monuments, dealers	\$30.00
Motels, not in connection with restaurants	\$30.00
Motorboat sales	\$30.00
Motorcycles, dealers in or agents therefor	\$30.00
Motor vehicles (see Automobiles)	—
Motor vehicles for hire:	
Passenger vehicles for hire, each vehicle	\$30.00
Trucks or vehicles other than passenger vehicles for hire, resident or non-resident owners of each car or truck must carry "For Hire" sign in such place that it can be seen from the outside (failure to display such sign shall forfeit license and shall be punished as provided hereinafter)	\$30.00
Multi-purpose:	
Separate businesses, professions and occupations not under common ownership within same building	\$30.00
Businesses under one common owner within same building shall operate under a single license	\$30.00
Music machines, coin-operated, including all record players and juke boxes, except where such machines are owned and operated on the premises of a licensed merchant. Proof of ownership required (see Coin-operated devices and merchandise machines), per machine	\$5.00
News depots, meaning dealers in current periodicals, newspapers, etc.	\$30.00
Newspaper publishers	\$30.00
Notary publics, licensed as a notary public business	\$30.00
(However, when a notary public is located at a business premises and provides a secondary service, i.e., it is not the primary business, then no separate license is required)	
Novelty works	\$30.00
Nursery stock, agents for or dealers in	\$30.00
Office equipment, sales or service	\$30.00
Oils, fuel, illuminating or lubricating oils or fuel, wholesale dealers in, or agents therefor	\$30.00
Opticians or oculists, not including regular physicians and surgeons	\$30.00
Osteopaths	\$30.00



<i>Business Tax Schedule</i>	
Other, not classified	\$30.00
Packing houses, for fruits and vegetables	\$30.00
Painters, signs (see also Advertising and bill posters)	\$30.00
Painters and decorators	\$30.00
Palmists	\$30.00
Pawnbrokers	\$30.00
Peddlers (including transient merchants; see also Itinerants)	—
Fruit and vegetables, etc. (at option of vendor):	
Per day	\$5.00
Annually	\$30.00
Photographers	\$30.00
Phrenologists (see also Fortune teller)	\$30.00
Physicians	\$30.00
Pool and billiard rooms	—
For each place of business where pool, billiards or bagatelle tables are kept for use by the public for a consideration, per year	
(Coin-operated devices and merchandise machines are \$5.00 per machine, except where such machines are owned and operated on the premises of a licensed merchant. Proof of ownership required)	\$30.00
Printers, when not operating newspaper offices	\$30.00
Railroad companies (same as express companies)	—
Real estate brokers and salespersons	\$30.00
Each additional agent	\$5.00
Repair shops, not enumerated herein	\$30.00
Restaurants	\$30.00
Sawmills	\$30.00
Septic tanks, install or clean	\$30.00
Sewing machines, dealers and repairs	\$30.00
Sheet metal shops	\$30.00
Shoe shops, repair	\$30.00
Shooting galleries	\$30.00
Shows:	
Shows of all kinds except circuses giving performances or exhibitions under tents or other temporary structures or within temporary enclosures, per day	\$30.00
Dog and pony or other animal shows, per day	\$30.00
Circuses, per day	\$30.00
Circus parades through the streets within a municipality (as determined by the city manager per separate ordinance governing parades)	—
Skating rinks:	
Operating a permanent structure, per year	\$30.00

<i>Business Tax Schedule</i>	
Operating in a temporary structure, such as under a tent, or an open rink, or any structure deemed by the city manager to be of a temporary nature, per year	\$30.00
Sporting goods	\$30.00
Stenographers, public	\$30.00
Surveyors	\$30.00
Surgeons	\$30.00
Telegraph companies, doing business within the state, exclusive of business to and from points outside of the state, and exclusive of business done for the U.S. government, having a public place of business within the city	\$30.00
Telephone companies having a public place of business within the city	\$30.00
Television sales, repairs	\$30.00
Theaters, moving pictures, where admission is charged	\$30.00
Transient merchants (see Peddlers)	—
Trailer parks	\$30.00
Unclassified, all persons, firms, or corporations doing business in the city or having agents or representatives established here and not specifically enumerated in this list	\$30.00
Upholsterers or furniture menders, having an established place of business	\$30.00
Veterinarians	\$30.00
Warehouses and storage rooms for hire	\$30.00
Washerettes	\$30.00
Water, dealers in mineral or spring water	\$30.00
Wholesalers	\$30.00

(Ord. No. 2002-4, § 6, 5-6-2002)

**Sec. 34-26. Gambling and lotteries; zoning violations; not authorized.**

The issuance of any business tax receipt under the terms of this article shall not be construed to authorize or permit the conduct of any business, occupation or profession in any area of the city in violation of the zoning laws or any other ordinance of the city or any law of the state; nor shall anything in this article or other ordinances of the city be construed to authorize gambling or the operation of a lottery, except as otherwise authorized under the laws of the state.

(Ord. No. 2002-4, § 7, 5-6-2002)

**Sec. 34-27. Temporary use permits.**

Nothing contained in this article shall alter or modify the requirements of the city land development regulations concerning the issuance of any temporary use permits and the payment of additional temporary use permit fees where applicable, in addition to payment of the business tax in this article.

(Ord. No. 2002-4, § 8, 5-6-2002)

**Secs. 34-28—34-57. Reserved.**

**ARTICLE III. UTILITY TAX\*****Sec. 34-58. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Electronic transfer* means the use of the Automated Clearing House (ACH), or other electronic transfer system approved by the city on a case-by-case basis, by the seller, to send the taxes collected directly from the seller's bank to the city's primary bank.

*Fuel oil* shall include fuel oil grades numbers 1, 2, 3, 4, 5, and 6, kerosene and coal oil.

*Levy* means and includes the imposition of the tax under F.S. §§ 166.231 and 166.232, all changes in the rate of tax imposed under either of those sections, and all changes of election under F.S. § 166.231.

*Remit, remittance, and remitting* for the purposes of the tax imposed by this chapter, mean the sending by the seller and the receipt by the city of all taxes levied and collected pursuant to this chapter. The date of receipt of such taxes by the city will be the date of postmark, or if by electronic transfer, the date received by the city's primary bank as indicated on the city's bank statement.

*Return* as used in this chapter, means the supporting documentation submitted periodically in accordance with the provisions of this chapter, and to be accompanied by the tax remittance, if any for that period, to the city, which at a minimum shall indicate:

- (1) The name and the address of the seller;
- (2) The time period covered with respect to the particular return being filed;
- (3) The amount (in U.S. dollars) of the revenue collected from the sale of the taxable service;
- (4) The amount (in U.S. dollars) of any collection allowance taken in accordance with state law;
- (5) The amount (in U.S. dollars) of tax being remitted to the city, or having been sent by electronic transfer to the city's bank which is the subject of the particular return being filed; and
- (6) The name and telephone number of a person authorized by the seller to respond to inquiries from the city concerning how the seller is administering and collecting the tax.

Those sellers remitting the tax by electronic transfer must nevertheless send periodic returns to the city.

*Seller* means a person, firm, corporation or other legal entity who sells a service that is subject to a levy.

*Tax* means the municipal public service tax authorized pursuant to F.S. § 166.231 or 166.232 and this chapter.

(Ord. No. 2007-05, § 1, 8-20-2007)

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\***State law reference**—Municipal utility taxes, F.S. § 166.231 et seq.

**Sec. 34-59. Purchase of electricity, metered natural, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled and water service; levy of tax; amount; payment generally of tax.**

(a) Except as provided below or as otherwise exempted by this article, there is hereby levied and imposed by the city on each and every purchase of electricity, metered or bottled gas (natural liquefied petroleum gas or manufactured gas) and water service, within the corporate limits of the city, a tax at the rate of ten percent of the total amount charged for such utility service or commodity. For purposes of calculating the tax, the amount charged for the taxable service shall be deemed to include any gross receipts taxes and franchise fees separately stated on the customer's bill.

(b) The tax imposed by this section shall not be applied against any fuel adjustment charge, and such charge shall be separately stated on each bill. The term "fuel adjustment charge" shall mean all increases in the cost of utility services to the ultimate consumer resulting from an increase in the cost of fuel to the utility subsequent to October 1, 1973.

(c) Subject to the provisions of this article, such tax shall in every case be paid by the purchaser for the use of the city to the seller of such electricity, metered or bottled gas, or water service at the time of paying the charge therefor.

(d) The tax imposed by this article on water service may be applied outside of municipal boundaries to property included in a development of regional impact approved pursuant to F.S. § 380.06, if agreed to in writing by the developer of such property and the municipality prior to March 31, 2000. If a tax levied pursuant to this subsection is challenged, recovery, if any, shall be limited to moneys paid into an escrow account of the clerk of the court subsequent to such challenge.

(Ord. No. 2007-05, § 2, 8-20-2007)

**Sec. 34-60. Purchase of fuel oil; levy of tax; amount; payment generally of tax.**

The sale of fuel oil as particularly defined in this section shall be deemed to be services competitive with those enumerated in section 34-59 and shall be taxed on a comparable base at the same rates. However, fuel oil shall be taxed at the maximum rate of \$0.04 per gallon. However, in the event that the city in the future should choose to levy less than the maximum rate allowed pursuant to F.S. ch. 166, the maximum tax on fuel oil shall bear the same proportion to \$0.04 which the tax rate levied herein bears to the maximum rate allowable in section 34-59 hereof.

(Ord. No. 2007-05, § 3, 8-20-2007)

**Sec. 34-61. Collection generally and disposition of tax; discontinuance of service upon failure of purchaser to pay tax and seller's charge.**

(a) It shall be the duty of every seller of electricity, metered or bottled gas (natural or manufactured), fuel oil or water service to collect from the purchaser for the use of the city the tax authorized and levied by this chapter at the time of collecting the selling price charged for each transaction, and to file a return and remit on or before the 20th day of each calendar month, or if the 20th day is either a legal holiday or is not a city business day, then on or before the first city business day that is not also a legal holiday, following the 20th day of the month, unto the city all such taxes levied and collected during the preceding calendar month. It shall be unlawful for any seller to collect the price of any sale of electricity, metered

or bottled gas (natural or manufactured), fuel oil or water service without at the same time collecting the tax hereby levied in respect to such sales, unless such seller shall elect to assume and pay such tax without collecting the same from the purchaser. Except as otherwise provided in F.S. §§ 166.233 and 166.234, the seller shall be liable for taxes due and not remitted to the municipality. This shall not bar the seller from recovering such taxes from purchasers. Any seller failing to collect such tax at the time of collecting the price of any sale where the seller has not elected to assume and pay such tax shall be liable to the city for the amount of such tax in like manner as if the same had actually been paid to the seller, and the mayor-commissioner shall cause to be brought all suit actions and to take all proceedings in the name of the city as may be necessary for the recovery of such tax; provided, however, that the seller shall not be liable for the payment of such tax upon uncollected charges. If any purchaser shall fail, neglect or refuse to pay to the seller the seller's charge and the tax hereby imposed and as hereby required on account of the sale for which such charge is made, or either, the seller shall have and is hereby vested with the right, power and authority to immediately discontinue further service to such purchaser until the tax and the seller's bill shall have been paid in full.

(b) Sellers remitting tax collections of \$10,000.00 or more, on average, per month over a period of three consecutive months shall thereafter, beginning in the month immediately following the third consecutive month, make all tax remittances to the city's primary bank by electronic transfer using the ACH system, or other electronic means as may be approved by the city on a case-by-case basis. Those sellers meeting this criterion shall continue remittances by electronic transfer regardless of whether the seller's average collections fall below the \$10,000.00 threshold for any subsequent consecutive three-month period. All other sellers may remit by hand-delivery, postal service or electronic transfer. However, if a seller elects to remit by electronic transfer, that seller shall thereafter always remit by electronic transfer.

(c) Notwithstanding any other provision of this chapter, in the event the total amount of tax anticipated to be collected within a calendar quarter does not exceed \$120.00, the seller of such service may, with the written authorization of the city, remit the taxes collected during such calendar quarter to the city quarterly. In such case, the tax shall be due on or before the 20th day of the month following the end of the calendar quarter in which the taxes were collected.

(Ord. No. 2007-05, § 4, 8-20-2007)

**Sec. 34-62. Exemptions and exclusions from payment of tax.**

(a) Purchases by the United States government, this state, and all counties, school districts and municipalities of the state, and by public bodies exempted by law or court order, are exempt from the tax imposed by this chapter. However, governmental bodies which sell or resell taxable service to non-exempt end users must collect and remit the tax levied under this chapter.

(b) The purchase of natural gas, manufactured gas or fuel oil by a public or private utility, either for resale or for use as fuel in the generation of electricity, or the purchase of fuel oil or kerosene for use as an aircraft engine fuel or propellant or for use in internal combustion engines, is exempt from taxation under this section.

(c) Purchases by any recognized church in this state for use exclusively for church purposes shall be exempt from the tax authorized by this section.

(d) Purchases of special fuels as defined in F.S. § 206.86(1) to be used in an internal combustion engine or motor to propel any form of vehicle; purchases of fuel oil for use as an aircraft engine fuel or propellant; and fuel oil to be used as a raw material in a manufacturing process or to be used as a cleaning agent or solvent when certified by the purchaser that such fuel oil shall be used only as a raw material or cleaning agent or solvent are hereby excluded from the tax levied by this section. Such purchases and certification shall be reflected monthly on forms prescribed by the city.

(e) If an area that is nominated as an enterprise zone pursuant to F.S. § 290.0055, has not yet been designated pursuant to F.S. § 290.0065, the city may enact an ordinance for such exemption; however, the ordinance shall not be effective until such area is designated pursuant to F.S. § 290.0065. This subsection expires on the date specified in F.S. § 290.016 for the expiration of the Florida Enterprise Zone Act, except that any qualified business that has satisfied the requirements of this subsection before that date shall be allowed the full benefit of the exemption allowed under this subsection as if this subsection had not expired on that date.

(f) A purchaser who claims an exemption under this section shall certify to the seller that he qualifies for the exemption, which certification may encompass all purchases after a specified date or other multiple purchases. A seller accepting the certification required by this subsection is relieved of the obligation to collect and remit tax; however, a governmental body that is exempt from the tax authorized by this section shall not be required to furnish such certification, and a seller is not required to collect tax from such an exempt governmental body. However, governmental bodies which sell or resell taxable service to non-exempt end users must collect and remit the tax levied under this section.

(Ord. No. 2007-05, § 5, 8-20-2007)

**Sec. 34-63. Computation of tax when seller collects the price thereof in monthly periods.**

In all cases where the seller of electricity, metered or natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled, fuel oil or water service collects the price thereof in monthly periods, the tax hereby levied may be computed on the aggregate amount of sales during such period, provided that the amount of tax to be collected shall be to the nearest whole cent to the amount computed, and shall not exceed the rates set forth in this article for any monthly period on each separate service. Such service shall be classified as a separate service in case of metered electricity, gas or water whenever an individual meter is used for the measuring thereof.

(Ord. No. 2007-05, § 6, 8-20-2007)

**Sec. 34-64. Records to be kept by seller; general administration audit plan for enforcement of chapter; authority of city to audit such records.**

(a) Each and every seller of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled, fuel oil or water service shall keep at its principal place of business complete records showing all sales in the city of such commodities or service, which records shall show the price charged upon such sale, the amount of taxes charged upon each sale, the date of the sale, the date of payment thereof, the date such tax was remitted to the city, the period of time covered by such remittance and other related information that may be required to verify proper collection and remittance of said taxes.

(b) To ensure proper administration of the provisions of this chapter, the city may, where possible and practical, conduct a periodic audit of such sales records of all businesses in connection with which the tax is imposed under this chapter. Failure to conduct such an audit will not eliminate the liability of the seller for collection and remittance of such tax.

(c) Pursuant to F.S. § 166.234, the city may, during the seller's normal business hours at the official location of the seller's books and records, audit the records of any seller of a service that is taxable by the city under F.S. § 166.231 or 166.232, for the purpose of ascertaining whether taxable services have been provided or the correctness of any return that has been filed or payment that has been made, if the city's power to assess tax or grant a refund is not barred by the applicable limitations period. Each such seller must provide to the city, upon 60 days' written notice of intent to audit from the city, access to applicable records for such service, except an extension of this 60-day period must be granted if reasonably requested by the seller. The seller may, at its option, waive the 60-day notice requirement. If either the city or the seller requires an additional extension, it must give notice to the other no less than 30 days before the existing extension expires, except in cases of bona fide emergency or waiver of the notice requirement by the other party. In an audit, the seller is liable only for its taxable accounts collected which correspond to the information provided to it by the city under F.S. § 166.233. As used in this section, the term "applicable records" means records kept in the ordinary course of business which establish the collection and remittance of taxes due. Such applicable records may be provided to the city on an electronic medium if agreed to by the seller and the city. In accordance with F.S. ch. 166, any applicable information received by the city or its agent in connection with such audit is confidential and exempt from the provisions of F.S. ch. 119, as applicable.

(Ord. No. 2007-05, § 7, 8-20-2007)

#### **Sec. 34-65. Interest and penalties for late payments and late returns.**

Any seller of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled, fuel oil or water service failing to remit to the city on or before the 20th day of each calendar month or quarter, as applicable, or if the 20th day is either a legal holiday or is not a city business day, then on or before the first city business day that is not also a legal holiday, following the 20th day of the month or quarter, as applicable, all such taxes levied and collected during the preceding tax period shall be liable for interest on the unpaid amount of tax at the rate of one percent per month from the date the tax was due until paid. In addition, penalties will be assessed at a rate of five percent per month of the delinquent tax, not to exceed a total penalty of 25 percent, except that in no event will the penalty for failure to file a return be less than \$15.00. In the case of a fraudulent return or a willful intent to evade payment of the tax, the seller making such fraudulent return or willfully attempting to evade payment of the tax shall be liable for a specific penalty of 100 percent of the tax. Interest and penalties shall be computed on the net tax due after application of any overpayments. The interest and penalties shall accrue from the due date until the date such taxes are paid, provided however, that the city may settle or compromise any interest due pursuant to this section as is reasonable under the circumstances. No penalty shall be assessed absent willful neglect, willful negligence or fraud by the seller.

(Ord. No. 2007-05, § 8, 8-20-2007)

**Sec. 34-66. Costs incurred in pursuit of tax or information as a result of a violation of any of the sections of this chapter.**

The city is entitled to and may assess against sellers not complying with any provision of this chapter a fee being based upon the actual costs incurred by the city in collecting the tax or information due as specifically authorized pursuant to F.S. ch. 166.

(Ord. No. 2007-05, § 9, 8-20-2007)

**Sec. 34-67. Incorporation herein of relevant portions of F.S. ch. 166.**

The provisions of F.S. §§ 166.231, 166.232, 166.233, 166.234, and 166.235 are specifically incorporated into this chapter as if each section had been set forth in whole herein, and shall be made a part of this chapter by reference hereto.

(Ord. No. 2007-05, § 10, 8-20-2007)

**Sec. 34-68. Seller's unremitted tax liability.**

Any and all taxes due to the city by any seller prior to the effective date of the ordinance from which this article is derived under any prior utility tax or the like shall remain fully due and payable to the municipality as set forth by any prior ordinance, and this article shall not be construed to waive, exonerate, discharge or release any tax liability of any seller and any such utility tax or the like which has previously accrued or was due and payable prior to the effective date of the ordinance from which this article is derived.

(Ord. No. 2007-05, § 11, 8-20-2007)



Chapter 35

**RESERVED**



## Chapter 36

### TRAFFIC AND VEHICLES\*

#### Article I. In General

- Sec. 36-1. Authority of chief of police relative to traffic generally.
- Sec. 36-2. Persons propelling push carts, riding bicycles or animals to obey traffic regulations.
- Sec. 36-3. Public employees to obey traffic regulations.
- Sec. 36-4. Position and legibility of signs.
- Sec. 36-5. Maximum load limits.
- Sec. 36-6. Slow moving vehicles.
- Sec. 36-7. Boarding or alighting from vehicles.
- Sec. 36-8. Parades, processions; permits required; exception.
- Sec. 36-9. Driving in processions.
- Sec. 36-10. Overloaded passenger vehicles.
- Sec. 36-11. Quiet zones.
- Sec. 36-12. Play streets.
- Sec. 36-13. Driving through filling station.
- Secs. 36-14—36-44. Reserved.

#### Article II. Speed

- Sec. 36-45. Penalty.
- Sec. 36-46. State law to supersede article.
- Sec. 36-47. Signs.
- Sec. 36-48. Speed limit in residential districts.
- Sec. 36-49. Speed limit in school zones.
- Secs. 36-50—36-73. Reserved.

#### Article III. Stopping, Standing and Parking

- Sec. 36-74. Authority to impound illegally parked vehicles.
- Sec. 36-75. Standing or parking close to curb.
- Sec. 36-76. Parking for certain purposes prohibited.
- Sec. 36-77. All night parking prohibited.
- Sec. 36-78. Stopping or parking near hazardous or congested places.
- Sec. 36-79. Standing for loading only.
- Sec. 36-80. Allowance for free movement for vehicular traffic.
- Sec. 36-81. Parking of certain kinds of vehicles prohibited.
- Secs. 36-82—36-105. Reserved.

#### Article IV. Bicycles

- Sec. 36-106. Defined.
- Sec. 36-107. Effect of chapter.
- Sec. 36-108. Speed.

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\*State law references—Traffic generally, F.S. ch. 316; powers of local authorities, F.S. §§ 316.007, 316.008.

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- Sec. 36-109. Emerging from alley or driveway.
- Sec. 36-110. Carrying packages and bundles.
- Sec. 36-111. Riding bicycles on sidewalks; right-of-way of pedestrians.
- Sec. 36-112. Sirens and whistles on bicycles.
- Secs. 36-113—36-130. Reserved.

### **Article V. Golf Carts**

- Sec. 36-131. Golf cart defined.
- Sec. 36-132. Florida Uniform Traffic Law adopted.
- Sec. 36-133. Golf cart regulations.
- Sec. 36-134. Penalty for violation of article.

**ARTICLE I. IN GENERAL****Sec. 36-1. Authority of chief of police relative to traffic generally.**

(a) The chief of police, except as otherwise directed by this chapter and except as otherwise directed from time to time by the city commission, shall have the power and is hereby authorized to make and enforce all rules and regulations governing traffic and the use of the streets of the city by vehicles and pedestrians, and the chief of police is given full power to designate through, stop, one-way and play streets, directions of traffic, time limits, and locations for parking, reservation of parking places, maximum and minimum speeds insofar as same shall not conflict with the laws of the state, to establish truck routes and stop crossings, and to install such street signs, traffic control devices and indicators and markings as shall be necessary or advisable for the operation and enforcement of such rules and regulations.

(b) The existence of signs, signals and markings, duly installed by the chief of police, or under his authority, shall be sufficient proof of the existence of the regulations.

(Code 1959, § 22-2)

**Sec. 36-2. Persons propelling push carts, riding bicycles or animals to obey traffic regulations.**

Every person propelling any push carts or riding a bicycle or an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

(Code 1959, § 22-5)

**Sec. 36-3. Public employees to obey traffic regulations.**

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county or city, and it shall be unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statutes.

(Code 1959, § 22-6)

**State law reference**—Exceptions for authorized emergency vehicles, F.S. § 316.072(5).

**Sec. 36-4. Position and legibility of signs.**

No provision herein for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

(Code 1959, § 22-58)

**Sec. 36-5. Maximum load limits.**

It shall be unlawful for any truck or other motor vehicle with a combined vehicle and load weight in excess of ten tons to travel upon the streets of the city in the residential areas other than those

constituting a state road, except for Lancaster Street, and except for home delivery of goods and services and deliveries to commercial establishments. A violation of this chapter will result in the penalty provided in F.S. § 316.655.

(Ord. No. 85-9, §§ 1, 5, 10-14-1985)

**State law reference**—Local alteration of weight limits, F.S. § 316.555.

**Sec. 36-6. Slow moving vehicles.**

All vehicles moving slowly along the street shall keep as close as possible to the curblineline so as to allow fast moving vehicles free passage on the left-hand side.

(Code 1959, § 22-30)

**State law reference**—Slow moving vehicle emblems, F.S. § 316.2225(7).

**Sec. 36-7. Boarding or alighting from vehicles.**

No person shall board or alight from any vehicle while such vehicle is in motion.

(Code 1959, § 22-7)

**Sec. 36-8. Parades, processions; permits required; exception.**

No funeral, procession or parade containing 200 or more persons or 50 or more vehicles, excepting the forces of the United States Army, Navy, or Air Force, the military forces of this state and the forces of the police and fire departments, shall occupy, march or proceed long any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply. Such a permit shall be issued upon a showing that public safety will not be endangered thereby.

(Code 1959, § 22-31)

**State law reference**—Authority to regulate processions, F.S. § 316.008(1)(c).

**Sec. 36-9. Driving in processions.**

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as is practicable and follow the vehicle ahead as close as is practicable and safe.

(Code 1959, § 22-34)

**State law references**—Funeral processions, F.S. § 316.1974; authority to regulate processions, F.S. § 316.008(1)(c).

**Sec. 36-10. Overloaded passenger vehicles.**

No motor vehicle of any kind, which is overloaded, shall be driven on the streets of the city.

(Code 1959, § 22-37)

**Sec. 36-11. Quiet zones.**

Whenever authorized signs are erected indicating a zone for quiet, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of said vehicle, except in an emergency.

(Code 1959, § 22-40)

**Sec. 36-12. Play streets.**

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof, except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any said street or portion thereof.

(Code 1959, § 22-41)

**State law reference**—Authority to designate and regulate traffic on play streets, F.S. § 316.008(1)(p).

**Sec. 36-13. Driving through filling station.**

When a filling station is located on any corner in the city, it shall be unlawful for the driver of any vehicle to use the driveway of such filling station for the purpose of making the proper turn at the corner.

(Code 1959, § 22-49)

**Secs. 36-14—36-44. Reserved.****ARTICLE II. SPEED\*****Sec. 36-45. Penalty.**

A violation of this article shall be a non-criminal traffic infraction, punishable as a moving violation as provided in F.S. ch. 318.

(Ord. No. 2003-03, § 12, 4-7-2003)

**Sec. 36-46. State law to supersede article.**

Notwithstanding the speed limits established by this article, where any speed limits are controlled and prescribed by an agency of the state on streets within the city, those limits shall prevail and shall be the speed limits under this article.

(Ord. No. 2003-03, § 11, 4-7-2003)

**Sec. 36-47. Signs.**

(a) All speed zones as established and set forth in this article shall be posted with clearly legible signs. All signs which limit or establish speed limits as set forth in this article, maximum and minimum, shall be so placed and so painted as to be plainly visible and legible in daylight or in darkness when illuminated by headlights.

(b) The board of commissioners authorizes the expenditure of municipal funds for the erection of speed limit signs, business district signs, residence district signs and school zone signs in all affected areas listed in this article as may be necessary and appropriate. All speed limit signs shall be erected in accordance with standards established by the state department of transportation as contained in the Florida Administrative Code.

(Ord. No. 2003-03, §§ 9, 10, 4-7-2003)

**\*State law references**—Speed limits generally, F.S. § 316.183 et seq.; establishment of municipal speed zones, F.S. § 316.189.

**Sec. 36-48. Speed limit in residential districts.**

On all streets and highways over which the municipality has original jurisdiction, the maximum speed limits for all vehicles shall be 25 miles per hour in any residential districts.  
(Ord. No. 2003-03, § 3, 4-7-2003)

**Sec. 36-49. Speed limit in school zones.**

Notwithstanding the speed limits established in section 36-48 hereof, the maximum speed limits for all vehicles within any school zone within the city which consists of any streets and highways over which the municipality has original jurisdiction, and which school zone is appropriately posed as such, shall be, 20 miles per hour. Such speed limit shall be in force from 30 minutes before, during, and 30 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session.  
(Ord. No. 2003-03, § 4, 4-7-2003; Ord. No. 2014-05, § 1, 10-28-2014)

**Secs. 36-50—36-73. Reserved.****ARTICLE III. STOPPING, STANDING AND PARKING\*****Sec. 36-74. Authority to impound illegally parked vehicles.**

The chief of police or any police officer of the city is hereby authorized to take up or cause to be taken up or removed to a place designated by the mayor-commissioner, any vehicle parked in violation of any of the provisions of the parking ordinances and is authorized and empowered to keep same in such place so designated by the mayor-commissioner until all fines and charges assessed for moving and storage against the owner and the car have been paid or satisfactory bond arranged.  
(Code 1959, § 22-72)

**Sec. 36-75. Standing or parking close to curb.**

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of traffic, and with the curbside wheels of the vehicle within 12 inches of the edge of the roadway, except as provided in the following:

- (1) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such mark or sign.
- (2) In places where and at hours when stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads when the owner of such vehicle holds a permit granting him such privilege, and such permit shall be either in the possession of the driver or on

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\***State law references**—Stopping, standing and parking, F.S. § 316.1945 et seq.; authority to regulate stopping, standing or parking, F.S. § 316.008(1)(a).



the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any owner or driver to violate any of the special terms or conditions of any such special permit.

(Code 1959, § 22-61)

**State law reference**—Authority to permit angle parking, F.S. § 316.195.

**Sec. 36-76. Parking for certain purposes prohibited.**

No person shall stand or park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying it for sale.
- (2) Washing, greasing or repairing the vehicle, except repairs necessitated by an emergency.

(Code 1959, § 22-62)

**Sec. 36-77. All night parking prohibited.**

No person shall park a vehicle on any street for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 6:00 p.m. of any day, except physicians on emergency calls, when signs are erected in each block giving notice thereof.

(Code 1959, § 22-64)

**Sec. 36-78. Stopping or parking near hazardous or congested places.**

When signs are erected upon approach to hazardous or congested places, no person shall stop, stand, or park a vehicle in any such designated place.

(Code 1959, § 22-65)

**Sec. 36-79. Standing for loading only.**

(a) No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger zone during the hours when the regulations applicable to such passenger zone are effective, and then only for a period not to exceed three minutes.

(b) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a loading zone during hours when the provisions applicable to loading zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

(Code 1959, § 22-66)

**Sec. 36-80. Allowance for free movement for vehicular traffic.**

(a) No person shall stop, stand or park any vehicle upon a street other than an alley in such manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations traffic signs or signals or a police officer.

(b) No person shall park a vehicle within an alley for over 15 minutes unless there is left available not less than eight feet of the width of the roadway for the free movement of vehicular traffic.  
(Code 1959, § 22-67)

**Sec. 36-81. Parking of certain kinds of vehicles prohibited.**

It shall be unlawful for commercial motor vehicles, trucks, trailers, semitrailers, truck tractors, straight trucks, tandem trailer trucks, maxi-cube vehicles, tandem axle attachments and other motor vehicles and non-motorized vehicles or the like customarily used for transporting or hauling flammable, hazardous, radioactive, caustic, corrosive, or explosive materials, whether loaded or unloaded, to be parked in residential neighborhoods within the city. It shall also be unlawful for any of the aforesaid, including vehicles or trailers used for transporting forestry products including, but not limited to, pulpwood and timber or any forestry waste or byproduct existing therefrom, and any other vehicles or trailers or pole-trailers used for transporting any of the aforementioned or any other commercial products, loaded or unloaded, to be parked upon any public streets or rights-of-way over which the city has original jurisdiction in any residential zoned neighborhood of the city, but not including any state or federal road or right-of-way over which the city does not have original jurisdiction. The definitions as contained in F.S. § 316.003 are hereby incorporated and are determinative of the meaning of the words and phrases set forth in this section as is appropriate. A violation of this section will result in the penalty provided in F.S. § 316.655.

(Ord. No. 85-9, §§ 4, 5, 10-14-1985; Ord. No. 2006-14, § 1, 7-10-2006)

**Secs. 36-82—36-105. Reserved.**

**ARTICLE IV. BICYCLES\***

**Sec. 36-106. Defined.**

As used in this article, the term "bicycle" means every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground, upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term "bicycle" does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.

(Code 1959, § 8-1)

**State law reference**—Similar provisions, F.S. § 316.003(4).

**Sec. 36-107. Effect of chapter.**

(a) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

**\*State law references**—Bicycle regulations, F.S. § 316.2065; authority to regulate the operation of bicycles, F.S. § 316.008(1)(h).

(b) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(Code 1959, § 8-2)

**Sec. 36-108. Speed.**

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code 1959, § 8-6)

**Sec. 36-109. Emerging from alley or driveway.**

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.

(Code 1959, § 8-7)

**Sec. 36-110. Carrying packages and bundles.**

No person operating a bicycle shall carry any package, bundle or article which keeps the rider from keeping at least one hand on the handlebars.

(Code 1959, § 8-9)

**Sec. 36-111. Riding bicycles on sidewalks; right-of-way of pedestrians.**

No person shall use any sidewalks in the business districts of the city for riding thereon with bicycles. On those sidewalks or paths of the city where riding bicycles thereon is permitted, the rider of the bicycle shall yield the right-of-way at all times to pedestrians on such sidewalks and paths.

(Code 1959, § 8-10)

**Sec. 36-112. Sirens and whistles on bicycles.**

It shall be unlawful for any person to operate any bicycle in the city that is equipped with any siren or whistle, nor shall any person in the city use such siren or whistle upon such bicycle.

(Code 1959, § 8-12)

**Secs. 36-113—36-130. Reserved.**

## ARTICLE V. GOLF CARTS

**Sec. 36-131. Golf cart defined.**

"Golf cart" means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour, as defined in F.S. § 320.01(22).

(Ord. No. 2020-1, § 01, 8-9-2021)

**Sec. 36-132. Florida Uniform Traffic Law adopted.**

(a) The provisions of F.S. title 23, ch. 316, as applicable to municipalities are hereby expressly incorporated in this article by the city.

(b) It shall be unlawful to violate any of the provisions of said F.S. ch. 316 within the limits of the city and whosoever shall violate said provisions shall be subject to the procedures and penalties set forth in the Florida Uniform Disposition of Traffic Infractions Act, F.S. ch. 318.

(Ord. No. 2020-01, § 2, 8-9-2021)

**Sec. 36-133. Golf cart regulations.**

(a) It is the intent of the board of commissioners of the city to allow golf carts on certain city streets or roadways within the municipal boundaries pursuant to F.S. § 316.212.

(b) The board of commissioners finds that golf carts, if operated in accord with the provisions of Florida Statutes and this article, may safely travel over those streets designated below within the city.

(c) A golf cart may be operated on all city streets and highways located within the boundaries of the city, except for state roads, over which the city has original jurisdiction pursuant to F.S. § 316.006, which includes all city streets and county roads located within the city.

(d) Golf carts shall not be operated on U.S. Highway Number 129/State Road Number 49, State Road Number 26, State Road Number 47, County Road Number 307A, County Road Number 339, or County Road Number 319, except to cross such highways at designated points as determined by the state department of transportation. Golf carts may cross U.S. Highway No. 129/State Road 49, State Road Number 26, and State Road Number 47 following review and approval by the state department of transportation of the location and design of the crossings and installation of any traffic control devices needed for safety purposes. Such crossing points as designated by the state department of transportation shall be designated and clearly marked as crossing points prior to use of the crossing points by the public.

(e) A golf cart may be operated only during the hours between sunrise and sunset, unless the golf cart is equipped with headlights, brake lights, turn signals, and a windshield, in which event a golf cart so equipped may also be operated during the hours between sunset and sunrise.

(f) A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.

(g) A golf cart may not be operated on public roads or streets within the city by any person under 14 years of age.

(h) A golf cart shall yield the right of way to regular motor vehicle traffic when it is apparent that traffic congestion is occurring and it is safe to do so and shall, in every event, yield to police and emergency vehicles.

(i) Where required by state law, no golf cart shall be operated on the streets or roadways within the city pursuant to this article unless there is an in-force insurance policy covering the golf cart. Where required, it shall be the responsibility of the owner of the golf cart to obtain insurance covering the golf cart and to carry proof of same at all times during which the covered golf cart is operated on any city

streets or public roadways within the city over which the city has original jurisdiction pursuant to F.S. § 316.006. Where required, the scope of insurance coverage and the minimum dollar amount of such coverage shall be the same as that which is statutorily established pursuant to state law for motor vehicles. (Ord. No. 2020-01, § 3, 8-9-2021)

**Sec. 36-134. Penalty for violation of article.**

Except as otherwise provided therein, a violation of this article is a noncriminal traffic infraction, punishable pursuant to F.S. ch. 318. (Ord. No. 2020-01, § 4, 8-9-2021)



Chapter 37

**RESERVED**





## Chapter 38

### UTILITIES\*

#### Article I. In General

- Sec. 38-1. Water system; connecting to, damaging, molesting, opening valves or fire hydrants; unauthorized use of water prohibited; penalty.
- Secs. 38-2—38-20. Reserved.

#### Article II. Water and Sewer Rates and Charges

- Sec. 38-21. Water meters.
- Sec. 38-22. Water utility fees.
- Sec. 38-23. Sewer utility fees.
- Sec. 38-24. Deposits.
- Sec. 38-25. Connection charges.
- Sec. 38-26. Payment of fees and discontinuance of service.
- Secs. 38-27—38-55. Reserved.

#### Article III. Water and Sewer Systems

- Sec. 38-56. Connections with waterworks system.
- Sec. 38-57. Connections with sewer required.
- Sec. 38-58. Exceptions to connections.
- Sec. 38-59. Connections may be made by city.
- Sec. 38-60. Acceptance of commercial or industrial sewage discretionary.
- Sec. 38-61. Unlawful connection.
- Sec. 38-62. Unlawful construction.
- Sec. 38-63. Connecting old plumbing.
- Sec. 38-64. Sanitary requirement.
- Sec. 38-65. Sewage disposal requirements.
- Sec. 38-66. Septic tank.
- Sec. 38-67. Maintenance of plumbing system.
- Sec. 38-68. Collection of sewer fees where owner has private water supply.
- Sec. 38-69. Failure to maintain plumbing system.
- Sec. 38-70. No service free.
- Sec. 38-71. Separate connections for each separate unit.
- Sec. 38-72. Damaging, molesting; unauthorized use of any water or sewer facility or fire hydrant.
- Sec. 38-73. No private connections without prior written authorization.
- Sec. 38-74. Construction of building sewers and costs of construction.
- Sec. 38-75. Use of the public sewer.
- Sec. 38-76. Power and authority of inspectors.
- Sec. 38-77. Enforcement methods.
- Secs. 38-78—38-97. Reserved.

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\*State law reference—Municipal Home Rule Powers Act, F.S. ch. 166.

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**Article IV. Cross-Connection Control**

- Sec. 38-98. Definitions.
- Sec. 38-99. Interconnection of private water system with city system prohibited; permit for private system.
- Sec. 38-100. Private water well exception.
- Sec. 38-101. Control of backflow and cross-connections.
- Sec. 38-102. Policy and requirements.

**ARTICLE I. IN GENERAL****Sec. 38-1. Water system; connecting to, damaging, molesting, opening valves or fire hydrants; unauthorized use of water prohibited; penalty.**

(a) It shall be unlawful for any person in the city to:

- (1) Connect to, or extend, the water system of the city without first securing authorization and paying the charges and deposits required to the city clerk.
- (2) Damage, molest or to make any unauthorized use of any water mains or fire hydrants of the city, and the opening of fire hydrants or water valves for securing water, unless duly authorized prior thereto, is prohibited.

(b) Any person violating this section shall be liable for any damages to the city water system caused thereby.

(Ord. No. 11-64, § 1(12-37.1), 11-27-1964)

**Secs. 38-2—38-20. Reserved.**

**ARTICLE II. WATER AND SEWER RATES AND CHARGES****Sec. 38-21. Water meters.**

(a) All accounts with the city water works system shall be metered, except as otherwise provided herein. Any owners of existing commercial buildings which were being utilized, as such, as of the effective date of Ordinance No. 2002-25 on November 4, 2002, which continue to be utilized, as such, as of the effective date from which this article is derived, shall continue to be granted the option of installing a water meter for each separate business not under common ownership located within the existing building located upon their real property, or the property owner may elect to pay, or have the business owner pay, the minimum monthly water bill for each such business located on such premises not under common ownership. In any event, should the property owner choose not to install separate meters for each business located on their property, a water meter shall be installed at the public right-of-way to meter all of the water that comes into the building and payment shall be made at the rates established by the board of commissioners from time to time for all water usage as calculated through the meter, together with the minimum monthly water bill for each business located on such premises which business is not owned by the real property owner.

(b) The regular deposit required for connection to the city water works system shall be waived for owners of existing commercial buildings who elect to install separate water meters for each separate business located within the existing building located upon their real property, and also for those owners who elect to pay the minimum monthly water bill for each business located on their premises, in existence as of the effective date of Ordinance No. 2002-25 on November 4, 2002.

(Ord. No. 2018-05, § 1, 9-24-2018)

**Sec. 38-22. Water utility fees.**

(a) The fees to be paid to the city by customers of the city's waterworks utility system shall be as established by resolution.

(b) Pursuant to the provisions of F.S. § 180.191, the city shall charge consumers outside the municipal boundaries the same rates, fees and charges as customers inside the municipal boundaries, with the exception that, in addition thereto, the city as allowed by statute shall add a surcharge of 25 percent of such rates, fees and charges to consumers outside the city boundaries.

(Ord. No. 2018-05, § 2, 9-24-2018)

**Sec. 38-23. Sewer utility fees.**

(a) The fees to be paid to the city by customers of the city sewer system shall be as established by resolution.

(b) Pursuant to the provisions of F.S. § 180.19, the city shall charge consumers outside the municipal boundaries the same rates, fees and charges as customers inside the municipal boundaries, with the exception that in addition thereto, the municipality as allowed by statute shall add a surcharge of 25 percent of such rates, fees and charges to consumers outside the city boundaries.

(Ord. No. 2018-05, § 3, 9-24-2018)

**Sec. 38-24. Deposits.**

Each customer of the city water works system and/or the city sewer system shall be required to deposit with the city the amount established by resolution for said services, as a deposit.

(Ord. No. 2018-05, § 4, 9-24-2018)

**Sec. 38-25. Connection charges.**

(a) All new connections shall be assessed a fee in the amount established by resolution for connection to the city water works system and for connection to the city sewer system.

(b) There shall be a turn-on charge in the amount established by resolution assessed against the property owner, tenant or user at the time service is initiated or reinstated after turn-off to the city water works system and/or city sewer system, in addition to any required deposits.

(c) The tapping fee (connection charge) for water service connections shall be based on the tap necessary for a five-eighths inch water meter. Charges for larger water taps shall be in accordance with a schedule promulgated by the board of commissioners.

(d) Any owners of existing commercial buildings which were being utilized as such as of November 4, 2002, which continue to be utilized as such as of the effective date of the ordinance from which this section is derived, who choose to install separate meters for each such business located in such commercial building shall not be assessed the regular connection fee for hookup to the city water works or sewer system or the regular turn-on charge. The property owner shall, however, reimburse the city for its costs for the water meter which are necessary to be installed. The owner shall also be responsible for

all expenses for connection from the water meter to their building and such connection shall be made in accordance with the rules and regulations as adopted from time to time by the city board of commissioners.

(Ord. No. 2018-05, § 5, 9-24-2018)

**Sec. 38-26. Payment of fees and discontinuance of service.**

Utility bills for the monthly charges and fees for water and sewer service shall be submitted to the customer by the city on or before the last day of the month and shall be payable on the first day of the following month. If such monthly bill shall be and remain unpaid after day 15 of each month for such service, a penalty of ten percent of any unpaid balance shall be imposed and be added to said bill, and service to the consumer shall be subject to discontinuance on day 25 of the same month thereafter if not paid and shall not be reconnected after discontinuance until all past due water bills and sewage disposal fees are fully paid, together with an additional turn-on charge in the amount established by resolution and the deposit provided for in section 38-24. In the event that day 15 of the month shall fall on a Saturday, Sunday, or legal holiday, then the due date shall extend to the end of the next full business day thereafter before the account shall be declared delinquent and subject to the penalties provided for herein.

(Ord. No. 2018-05, § 6, 9-24-2018; Ord. No. 2019-04, § 1, 12-9-2019)

**Secs. 38-27—38-55. Reserved.**

### ARTICLE III. WATER AND SEWER SYSTEMS

**Sec. 38-56. Connections with waterworks system.**

Where the same shall be available, the owner of every improved lot or parcel of land within the city must connect, or cause the plumbing of any building thereon to be connected, with the municipal waterworks system of the city and use the facilities of such system. All such connections shall be made in accordance with the rules and regulations which shall be adopted from time to time by the board of commissioners, which rules and regulations shall provide for a charge for making any such connections in such reasonable amount as such board may fix and determine from time to time.

(Ord. No. 96-21, § 1, 9-9-1996)

**Sec. 38-57. Connections with sewer required.**

The owner of each lot or parcel of land within the city, upon which lot or parcel of land any building, mobile home or trailer is now situated or shall hereafter be situated, for either residential, commercial or industrial use, shall connect or cause such building, mobile home or trailer to be connected with the public sewer facilities of the municipal sewer system of the city and use such facilities within one month following notification to do so by the clerk of the city; provided, however, that all such connections shall be made in accordance with rules and regulations in effect, or which shall be adopted from time to time by the board of commissioners, which rules and regulations shall provide for a charge for making any

such connections in such reasonable amount as such board may fix and determine. Provided, however, that no connection shall be required where said sewer system or line is more than 200 feet from such lot or parcel of land.

(Ord. No. 96-21, § 2, 9-9-1996)

**Sec. 38-58. Exceptions to connections.**

This article shall not be construed to require or entitle any person to cross the private property of another to make any such sewer or water connection.

(Ord. No. 96-21, § 3, 9-9-1996)

**Sec. 38-59. Connections may be made by city.**

If any such owner of any lot or parcel of land within the city shall fail and refuse to connect with and use the facilities of the sewer system of the city after notification by the city clerk, as provided herein, then the city shall be authorized to make such connections, entering on or upon any such lot or parcel of land for the purpose of making such connection. The city shall thereupon be entitled to recover the cost of making such connection, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction. In addition and as an alternative means of collecting such costs of making such connections, the city shall have a lien on such lot or parcel of land for such cost, which lien shall be of equal dignity with the lien of state, county and municipal taxes. Such lien may be foreclosed by the city in the same manner provided by the laws of the state for the foreclosure of mortgages upon real estate.

(Ord. No. 96-21, § 4, 9-9-1996)

**Sec. 38-60. Acceptance of commercial or industrial sewage discretionary.**

The city is not obligated to accept sewage from any commercial or industrial concern if said acceptance is determined by the city to be detrimental to the operation of the sewage treatment and collection system.

(Ord. No. 96-21, § 6, 9-9-1996)

**Sec. 38-61. Unlawful connection.**

No person shall be allowed to connect into any sewer line or water line owned by the city without the prior written consent of the city, and then the connection with such line shall be made only under the direction and supervision of the city. Any property owner or plumber who shall make any connection without such consent of the city shall, upon conviction, be subject to the penalties hereinafter provided.

(Ord. No. 96-21, § 7, 9-9-1996)

**Sec. 38-62. Unlawful construction.**

No person, group, firm or corporation shall build or remodel or cause to be built or remodeled any structure used for human habitation or occupancy within the city which is within 300 feet of a public sanitary sewer line, unless it is provided with water carried sewerage facilities.

(Ord. No. 96-21, § 8, 9-9-1996)

**Sec. 38-63. Connecting old plumbing.**

Whenever it is desirable to connect old plumbing with the city sewer or water main, the owner or plumber contemplating doing such work shall notify the city manager, who will cause an inspection to be made by a qualified representative of the city and will notify the owner or plumber what alterations will be necessary to place said old plumbing in an acceptable condition for such connection. Any owner or plumber who shall make any connection without the approval of the city's plumbing inspector shall, upon conviction, be subject to the penalties hereinafter provided.

(Ord. No. 96-21, § 9, 9-9-1996)

**Sec. 38-64. Sanitary requirement.**

Every residence and building in which human beings reside, are employed or congregated, shall be required to have a sanitary method of disposing of human excrement, namely, either a sanitary water closet, toilet or commode facility that is connected with the city sewer or an approved type of septic tank, only where a septic tank is otherwise permitted.

(Ord. No. 96-21, § 10, 9-9-1996)

**Sec. 38-65. Sewage disposal requirements.**

It shall be unlawful for any person, firm or corporation owning or leasing any premises in the city to permit the disposal of any human excrement on any property leased or rented by any such person, firm or corporation or the agent of any such person, firm or corporation, except in a sanitary water closet, toilet or commode facility where sewage lines are available and where such facilities are properly connected thereto, or an approved septic tank, only where a septic tank is otherwise permitted.

(Ord. No. 96-21, § 11, 9-9-1996)

**Sec. 38-66. Septic tank.**

No septic tank other than those approved by the state board of health and the city shall be constructed within the corporate limits of the city.

(Ord. No. 96-21, § 12, 9-9-1996)

**Sec. 38-67. Maintenance of plumbing system.**

The owner of the property shall be responsible for maintaining and keeping clean the water and sewer pipes leading and connecting from the plumbing system to the city distribution lines and main sewers.

(Ord. No. 96-21, § 13, 9-9-1996)

**Sec. 38-68. Collection of sewer fees where owner has private water supply.**

Where sewage disposal fees are not paid in accordance with provisions outlined above, in those instances where the owner has his own private water supply, the city shall have a right to cut off such water supply to the plumbing system, and the owner shall have no right to reconnect his own private

water supply until the sewage disposal fees have been paid in full. Any violation by the owner of this provision by reconnecting his private water supply, until such sewage disposal fees are paid in full, shall be considered a violation of this section and subject to the penalties hereinafter provided.

(Ord. No. 96-21, § 15, 9-9-1996)

**Sec. 38-69. Failure to maintain plumbing system.**

Failure to keep the sewer pipe (for example, the pipe leading from the plumbing system to the city main) clean and maintained in a proper manner will give the city the right to cut off the water connection, which shall not be reconnected until the sewer pipe is cleaned and maintained properly. In those instances where the owner has his own private water supply, the city shall have the right to cut off such water supply to the plumbing system, and the owner shall have no right to reconnect his own private water supply until the sewer pipe leading from the plumbing system to the city main has been maintained and cleaned in proper condition. Any violation by the owner of this provision by reconnecting his private water supply or the connection from the city water main, until such sewer pipes are cleaned and maintained properly, shall be considered a violation of this section and subject to the penalties hereinafter provided.

(Ord. No. 96-21, § 16, 9-9-1996)

**Sec. 38-70. No service free.**

No water nor sewage disposal service shall be furnished or rendered free of charge to any person, firm or corporation whatsoever, and the city and each and every agency, department or instrumentality which uses either or both such services shall pay therefor.

(Ord. No. 96-21, § 17, 9-9-1996)

**Sec. 38-71. Separate connections for each separate unit.**

Each residential unit whether occupying one or more lots and whether it shall occupy any lot or parcel jointly with any other residential unit shall be considered a separate unit for the payment of the water fees and the sewage disposal fees and separate connections and meters will be required for each such unit.

(Ord. No. 96-21, § 18, 9-9-1996)

**Sec. 38-72. Damaging, molesting; unauthorized use of any water or sewer facility or fire hydrant.**

It shall be unlawful for any person to damage, molest or to make any unauthorized use of any water mains, fire hydrants, manholes or any other water or sewer equipment or facility of the city, and the opening of fire hydrants or water valves for securing water therefrom, unless duly authorized prior thereto, is prohibited.

(Ord. No. 96-21, § 19, 9-9-1996)

**Sec. 38-73. No private connections without prior written authorization.**

It shall be unlawful for any person to connect to or extend the water or sewer system of the city without first securing a written permit issued by the city manager or his designee and paying the charges and deposits or other requirements of the city prior to any such connection.

(Ord. No. 96-21, § 20, 9-9-1996)



**Sec. 38-74. Construction of building sewers and costs of construction.**

(a) All cost and expense incident to the connection of any building sewer from the owner's building to the city property line shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the connection of the building sewer. Any connection from the city property line into the public sewer shall be made by the city.

(b) The building sewer shall be constructed using materials and methods approved by the state plumbing code, with the latest available issue and other specifications included herein. Joints shall be tight and waterproof. Any part of the building sewer that is installed within ten feet of a water service shall be constructed of cast iron pipe or equivalent as set forth in the state plumbing code, with compression joints, or shall be encased in concrete. Cast iron pipe with compression joints, or equivalent, may be required by the city manager where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron pipe or equivalent, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the city manager.

(c) The size and slope of the building sewer shall be subject to the approval of the city manager, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than one-eighth inch per foot.

(d) Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipes and fittings.

(e) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

(f) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the city manager. Pipe laying and backfill shall be performed in accordance with specifications provided by the city manager, and no backfill shall be placed until the work has been properly inspected by the city.

(Ord. No. 96-21, § 21, 9-9-1996)

**Sec. 38-75. Use of the public sewer.**

(a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the city manager. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the city manager, to a storm sewer or natural outlet.

(c) Except as hereinafter provided, no person shall discharge, or cause to be discharged, any of the following described waters or wastes to any public sewer:

- (1) Any liquid or vapor, in significant quantities, having a temperature higher than 150 degrees Fahrenheit, unless a proper permit is obtained from the permitting agency and prior written permission is received from the city manager.
- (2) Any waters or wastes which may contain more than 100 milligrams per liter of fat, oil or grease.
- (3) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (4) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils or product of mineral oil origin.
- (5) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (6) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood paunch, manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage works. Also, any soaps, wax or other products from any commercial car wash facility in such quantities as to interfere with the proper operation of the sewerage works.
- (7) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works.
- (8) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.
- (9) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (10) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (11) Any wastewaters having an excess of (limits in parts per million or milligrams per liter): Silver 0.10, Barium 5.0, Tin 1.0, Iron 2.0, Phenol 0.2, Arsenic 0.05, Boron 1.0, Manganese 1.0, Lead 0.1, Mercury 0.005, Nickel 0.4, Zinc 1.0, Copper 0.1, Cadmium 0.02, Total Chrome 1.8, Selenium 0.02, Chlorides 250 and any substance or combination thereof that reduces the BOD by ten percent will be considered as a toxic material. In addition, the limits for the following are: Antimony 0.0, Beryllium 0.0, Bismuth 0.0, Cobalt 0.0, Cobalt 0.0, Cyanide 0.0, Molybdenum 0.0, Rhenium 0.0, Tellurium 0.0, Uranylion 0.0, Strontium 0.0, herbicides 0.0, fungicides 0.0 and pesticides 0.0.
- (12) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established in compliance with applicable state or federal regulations.

- (13) Quantities of flow, concentrations or both which constitute a "slug," being defined as any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentrations of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater facilities.
- (14) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (15) Wastewater containing constituents in concentrations which are in excess of the concentrations set for normal wastewater treatment as set by appropriate and applicable state and federal regulations.

(d) Grease, oil and sand interceptors (traps) shall be provided when, in the opinion of the city manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city manager and shall be located as to be readily and easily accessible for cleaning and inspection.

(e) Grease and oil interceptors (traps) shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

(f) When installed, all grease, oil and sand interceptors (traps) shall be maintained by the owner, at his expense, in continuously efficient operation at all times and the owner thereof shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the date, and means, of disposal which are subject to review by the city manager. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

- (g) (1) The admission into the public sewers of any waters or wastes:
  - a. Having five-day biochemical oxygen demand greater than 300 milligrams per liter;
  - b. Containing more than 350 milligrams per liter of suspended solids;
  - c. Containing any quantity of substances having the characteristics described in subsection (c) of this section;
  - d. Having an average daily flow greater than two percent of the treatment plant design capacity; or
  - e. Having a peak hour flow greater than 20 gallons per minute;shall be subject to the review and approval of the city manager.

- (2) Where necessary, in the opinion of the city manager, the owner shall provide at his expense, such preliminary treatment as may be necessary to:
  - a. Reduce the biochemical oxygen demand to 300 milligrams per liter and the suspended solids to 350 milligrams per liter;
  - b. Reduce objectionable characteristics or constituents to within the maximum limits provided for in subsection (c) of this section; or
  - c. Control the quantities and rates of discharge of such waters or wastes.
- (3) Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city manager and no construction of such facilities shall be commenced until said approval is obtained in writing.

(h) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

(i) When required by the city manager, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the city manager. The manhole shall be installed by the owner at his expense, and the owner at his expense shall maintain the same so as to be safe and accessible at all times.

(j) All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in subsections (c) and (f) of this section, shall be determined in accordance with the standard methods for the examination of water and sewage, and shall be determined at the control manhole provided in subsection (h) of this section, or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(k) No statement contained in this section shall be construed as preventing any agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern, in an amount proportionate to the impact of said industrial waste on the sewerage system.

(Ord. No. 96-21, § 22, 9-9-1996)

#### **Sec. 38-76. Power and authority of inspectors.**

The city manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this article.

(Ord. No. 96-21, § 23, 9-9-1996)

**Sec. 38-77. Enforcement methods.**

Enforcement methods for enforcement of this article may include, but are not limited to, the issuance of a citation, a summons, a notice to appear in county court, arrest for violation of municipal article as provided in F.S. ch. 901 or referral to the special magistrate for appropriate action.  
(Ord. No. 96-21, § 24, 9-9-1996)

**Secs. 38-78—38-97. Reserved.****ARTICLE IV. CROSS-CONNECTION CONTROL****Sec. 38-98. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Approved backflow assembly* means accepted by the state department of health as meeting applicable specification or as suitable for the proposed use.

*Auxiliary water supply.* Any water supply on or available to the premises other than the city public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another municipality's public potable water supply or any natural source such as a well, spring, river, stream, harbor, etc., or used waters or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the city does not have authority for sanitary control.

*Back-pressure* means the flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source other than the intended source.

*Back-siphonage* means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.

*Backflow* means the reversal of the normal flow of water caused by either back-pressure or back-siphonage.

*Backflow prevention assembly* means any assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained in the AWWA guidelines. All backflow prevention assemblies must be approved by the state department of health prior to installation. A listing of these approved backflow prevention assemblies is available from the city.

*Contamination* means an impairment of the quality of the potable water supply by sewage, industrial fluids, waste, liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

*Cross-connection* means any physical connection or arrangement of piping or fixtures between the otherwise separate piping systems, one of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into

the potable water system. The term "cross-connection" includes any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy section of pipe, swivel or change-over devices of sliding multiport tubes.

*Cross-connection-controlled* means a connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

*Cross-containment* means the installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically not feasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system; or it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of the cross-connection (isolation).

*Designated agent* means the person designated to be in charge of the water department of the city, is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this article.  
(Ord. No. 99-7, § 4, 7-6-1999)

**Sec. 38-99. Interconnection of private water system with city system prohibited; permit for private system.**

No person shall:

- (1) Interconnect a privately-owned water system to the city's water or sewer system, or turn on any water service or tap, or make any alteration to any main or distributing pipe of the city's water system, or in any way interfere with, or molest, any of the wells, reservoirs, basins or water in the same, or permit any connection or tapping to be made to the city's water system on his premises, or premises occupied by such person, or to knowingly use city water from unauthorized connections.
- (2) Install a private water system or well within the limits of the city without first obtaining a permit for the construction and installation of the same from the city.

(Ord. No. 99-7, § 1, 7-6-1999)

**Sec. 38-100. Private water well exception.**

(a) No privately-owned water wells will be allowed within the corporate limits of the city unless prior approval is granted by the city manager and permit issued. No approval will be granted except in a case where the well will be used solely for watering lawns and gardens, to cool refrigeration units, to heat and/or cool owners homes, where a person or a member of their immediate family residing at this residence is allergic to chlorine or any other chemicals used by the city in the treatment of its water supply, or in cases where the city water supply system is not otherwise available to a property owner.

(b) For a permit to be issued for drinking water purposes based solely upon a person being allergic to chlorine or any other chemical used by the city in the treatment of its water supply, a statement from the customer's personal physician shall be required verifying such claim. In any event, such wells shall not be interconnected with the city water or sewer system.  
(Ord. No. 99-7, § 2, 7-6-1999)

**Sec. 38-101. Control of backflow and cross-connections.**

(a) The city shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the city, an approved backflow prevention assembly is required (at the customer's water service connection or within the customer's private water system) for the safety of the water system, the designated agent of the city shall give notice in writing to said customer to install such an approved backflow prevention assembly at a specific location on their premises. Failure to install a required backflow prevention device after notice by the city to the customer shall constitute grounds for the city to disconnect water service to the premises until such requirements have been satisfactorily met.

(b) The plumbing inspection division of the building department of the city or the city's designee, has the responsibility to not only review building plans and inspect plumbing as it is installed, but shall have the explicit responsibility of preventing cross-connections from being designated and built into the structures within this jurisdiction. Where the review of a building plan suggests or detects the potential for a cross-connection being made an integral part of the plumbing system, the plumbing official has the responsibility to require such cross-connections be either eliminated or provided with an approved backflow prevention assembly in accordance with the plumbing code. The plumbing official's responsibility begins at the point of service (the downstream side of the meter) and carries throughout the entire length of the customer's water system. The plumbing inspector should inquire about the intended use of water at any point where it is suspected that a cross-connection might be made or where it is actually called for by the plans. When such a cross-connection is discovered, it will be mandatory that suitable, approved backflow prevention assembly be required by the plans and be properly installed, in accordance with the standard plumbing code, latest edition available.

(c) Certified backflow assembly technicians only shall do the testing, maintenance and/or repair of backflow prevention assemblies. The certified technician must tag each double check valve, pressure vacuum breaker, reduce pressure backflow assembly and air gap, showing the serial number of the assembly, date tested and by whom. The technician's license number must also be on the tag. In the case of a customer requiring a commercially available technician, a certified technician is authorized to make the test and report the results of that test to the customer and the city. The national plumbing code requires a licensed plumber make the actual repair.  
(Ord. No. 99-7, § 3, 7-6-1999)

**Sec. 38-102. Policy and requirements.**

(a) No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state laws, regulations, codes and this article. Service of water to any premises shall be discontinued by the city if a backflow prevention assembly required by this section

for control of backflow and cross-connections is not installed, tested and maintained, or it is found that a backflow prevention assembly has been removed, by-passed or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

(b) The customer's system shall be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross-connections or other structural or sanitary hazards, including violation of this article, exist. When such a condition becomes known, the city shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition in conformance with the state and city statutes relating to plumbing, water supplies and the regulations adopted pursuant thereto.

(c) An approved backflow prevention assembly shall be installed on each service line to customer's water system, at or near the property line or immediately inside the building being served. In all cases, the assembly will be installed before the first branch line leading off the services line, whenever the city deems the protection of the water supply to be in the best interest of the water consumptions.

(d) The type of protective assembly required under subsection (c) of this section shall depend upon the degree of hazard which exists at the point of cross-connection in the AWWA manuals.

(e) All presently installed backflow prevention assemblies which do not meet the requirements of this section, but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection (b) of this section, be excluded from the requirements of these rules so long as the city is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance, or when the city finds that the maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.

(f) It shall be the duty and responsibility of the customer at any premises where backflow prevention assemblies are installed, to have certified inspections and operational tests made at least once per year at the customer's expense. In those instances where the city deems the hazard to be great, the city may require certified inspections and tests at a more frequent interval. These inspections and tests shall be performed by a certified backflow assembly technician. It shall be the duty of the city to see that these tests are made according to the regulations set forth by the state department of health.

(g) Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection stipulated in the AWWA guidelines. All backflow prevention assemblies shall be exposed for easy observation and be readily accessible.

(h) All backflow prevention assemblies installed in a potable water supply system for the protection against backflow shall be maintained in good working condition by the person having control of such assemblies. Upon inspection, any assembly found to be defective or inoperative shall be replaced or repaired. No assembly shall be removed from use, relocated, or another assembly substituted, without the approval of the city.

(i) All backflow prevention assemblies shall be tested within ten working days of initial installation.



(j) No backflow prevention assembly shall be installed so as to create a safety hazard. Example: Installed over or on an electrical panel, steam pipes, boilers, pits or above ceiling level.

(k) All inspections and certifications will be at the expense of the customer.  
(Ord. No. 99-7, § 5, 7-6-1999)



## CODE COMPARATIVE TABLE

### 1959 CODE

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## CODE COMPARATIVE TABLE

### LAWS OF FLORIDA

This table gives the location within the Code of those provisions of the Laws of Florida. Such provisions assumed ordinance statute pursuant to F.S. § 166.021 and their inclusion in the Code.

<b>Laws of Fla. Chapter</b>	<b>Year</b>	<b>Section</b>	<b>Section this Code</b>
27940	1951	8	2-25
		9	2-26
		11(c)	2-60
		11(d)	2-61
		11(g)	2-59
		14(F)	2-27
		34(c)	2-58
		34(d)	2-1
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## CODE COMPARATIVE TABLE

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		Ord. No. 11-64	11-27-1964
1(12-37.1)	38-1		
Ord. No. 76-5	1-1-1977	1	2-26
Ord. No. 1984-01	3-12-1984	1	26-6
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Ord. No. 92-3	5-4-1992	2	2-185
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